

PREFACE

Amid the COVID-19 pandemic, on October 2, 2020, the Vermont General Assembly enacted 2019, Acts and Resolves No. 154 (Adj. Sess.), which in Sec. E.126.1 permitted the chambers of the General Assembly to meet outside the State House during the 2021-22 legislative biennium and authorized each chamber's Rules Committee to adopt alternative procedures to allow for the safe and orderly convening and organizing of the chamber for the 2021-22 legislative biennium. Pursuant to that authority, on December 17, 2020, the House Committee on Rules adopted the alternative procedures that allowed the House of Representatives to convene and organize the 2021-22 legislative biennium remotely on January 6, 2021.

Journal of the House

of the

**STATE OF VERMONT
BIENNIAL SESSION, 2021**

Wednesday, January 6, 2021

Pursuant to the provisions of the Constitution and Laws of the State of Vermont, the members-elect of the House of Representatives convened in the State House in Montpelier on the first Wednesday after the first Monday, being the sixth day of January, in the year two thousand and twenty-one.

At ten o'clock in the forenoon, the Honorable James C. Condos, Secretary of State, called the House to order for the seventy-sixth biennial session.

Devotional Exercises

Devotional exercises were conducted by The Rt. Rev. Dr. Shannon McVean-Brown, Episcopal Bishop of Vermont, Burlington.

Pledge of Allegiance

Secretary of State James C. Condos led the House in the Pledge of Allegiance.

ROLL CALL

Secretary of State James C. Condos called the roll for the seventy-sixth biennial session:

Addison-1	Robin Scheu
Addison-1	Amy D. Sheldon
Addison-2	Peter Conlon
Addison-3	Matthew Birong
Addison-3	Diane M. Lanpher
Addison-4	Mari Cordes
Addison-4	Caleb Elder

Addison-5	Harvey T. Smith
Addison-Rutland	Terry E. Norris
Bennington-1	Nelson Brownell
Bennington-2-1 Bennington-2-1	Timothy R. Corcoran II Dane Whitman
Bennington-2-2 Bennington-2-2	Mary A. Morrissey Michael Nigro
Bennington-3	David K. Durfee
Bennington-4 Bennington-4	Seth Bongartz Kathleen James
Bennington-Rutland	Linda Joy Sullivan
Caledonia-1	Marcia Robinson Martel
Caledonia-2	Joseph "Chip" J. Troiano
Caledonia-3 Caledonia-3	Scott L. Beck R. Scott Campbell
Caledonia-4 Caledonia-4	Martha "Marty" A. Feltus Patrick Seymour
Caledonia-Washington	Henry Pearl

Chittenden-1	Jana Brown
Chittenden-2	Erin Brady
Chittenden-2	James M. McCullough
Chittenden-3	Trevor J. Squirrel
Chittenden-3	George W. Till
Chittenden-4-1	Michael I. Yantachka
Chittenden-4-2	William J. Lippert, Jr.
Chittenden-5-1	Kathryn L. Webb
Chittenden-5-2	Jessica Brumsted
Chittenden-6-1	Robert Hooper
Chittenden-6-1	Carol Ode
Chittenden-6-2	Emma Mulvaney-Stanak
Chittenden-6-3	Jill L. Krowinski
Chittenden-6-3	Curtis "Curt" A. McCormack
Chittenden-6-4	Brian Cina
Chittenden-6-4	Selene Colburn
Chittenden-6-5	Tiff Bleumle
Chittenden-6-5	Gabrielle Stebbins
Chittenden-6-6	Barbara Rachelson

Chittenden-6-7	Harold "Hal" Colston
Chittenden-6-7	Taylor Small
Chittenden-7-1	Martin J. LaLonde
Chittenden-7-2	Ann D. Pugh
Chittenden-7-3	John Killacky
Chittenden-7-4	Maida F. Townsend
Chittenden-8-1	Marybeth Redmond
Chittenden-8-1	Tanya Vyhovsky
Chittenden-8-2	Karen Dolan
Chittenden-8-2	Lori Houghton
Chittenden-8-3	Alyssa Black
Chittenden-9-1	Seth Chase
Chittenden-9-1	Curt D. Taylor
Chittenden-9-2	Sarah "Sarita" Austin
Chittenden-9-2	Patrick M. Brennan
Chittenden-10	Christopher P. Mattos
Chittenden-10	John Palasik
Essex-Caledonia	Terri Lynn Williams
Essex-Caledonia-Orleans	Paul D. Lefebvre

Franklin-1	Carl J. Rosenquist
Franklin-2	Barbara Smith Murphy
Franklin-3-1 Franklin-3-1	Michael McCarthy Casey Toof
Franklin-3-2	Eileen "Lynn" Dickinson
Franklin-4 Franklin-4	Robert W. Norris Brian K. Savage
Franklin-5 Franklin-5	Lisa Hango Paul Martin
Franklin-6	James Gregoire
Franklin-7	Felisha Rose Leffler
Grand Isle-Chittenden Grand Isle-Chittenden	Leland J. Morgan Michael R. Morgan
Lamoille-1	Heidi E. Scheuermann
Lamoille-2 Lamoille-2	Kate Donnally Daniel Noyes
Lamoille-3	Lucy Rogers
Lamoille-Washington Lamoille-Washington	Avram Patt David W. Yacovone

Orange-1	Rodney P. Graham
Orange-1	Samantha Lefebvre
Orange-2	Sarah Copeland Hanzas
Orange-Caledonia	Joseph Parsons
Orange-Washington-Addison	Phillip Jay Hooper
Orange-Washington-Addison	Larry Satcowitz
Orleans-1	Lynn D. Batchelor
Orleans-1	Brian Smith
Orleans-2	Michael J. Marcotte
Orleans-2	Woodman "Woody" Page
Orleans-Caledonia	Katherine Sims
Orleans-Caledonia	Vicki M. Strong
Orleans-Lamoille	Mark A. Higley
Rutland-1	Patricia A. McCoy
Rutland-2	Thomas B. Burditt
Rutland-2	Arthur Peterson
Rutland-3	William P. Canfield
Rutland-3	Robert G. Helm
Rutland -4	Thomas P. Terenzini

Rutland-5-1	Peter J. Fagan
Rutland-5-2	Lawrence "Cooper" P. Cupoli
Rutland-5-3	Mary E. Howard
Rutland-5-4	William Notte
Rutland-6 Rutland-6	Stephanie Zak Jerome Charles "Butch" H. Shaw
Rutland-Bennington	Sally Achey
Rutland-Windsor-1	James F. Harrison
Rutland-Windsor-2	Logan Nicoll
Washington-1 Washington-1	Anne B. Donahue Kenneth W. Goslant
Washington-2 Washington-2	Robert B. LaClair Francis "Topper" M. McFaun
Washington-3 Washington-3	Peter D. Anthony Tommy J. Walz
Washington-4 Washington-4	Mary S. Hooper Warren F. Kitzmiller
Washington-5	Kimberly Jessup

Washington-6	Janet Ancel
Washington-7 Washington-7	Katherine "Kari" Dolan Maxine Jo Grad
Washington-Chittenden Washington-Chittenden	Thomas S. Stevens Theresa A. Wood
Windham-1	Sara Coffey
Windham-2-1	Emilie Kornheiser
Windham-2-2	Mollie Sullivan Burke
Windham-2-3	Tristan D. Toleno
Windham-3 Windham-3	Leslie Goldman Carolyn W. Partridge
Windham-4 Windham-4	Michelle Bos-Lun Michael Mrowicki
Windham-5	Emily J. Long
Windham-6	John M. Gannon
Windham-Bennington	Laura H. Sibia
Windham-Bennington-Windsor	Kelly MacLaury Pajala

Windsor-1	John L. Bartholomew
Windsor-1	Elizabeth Burrows
Windsor-2	John Arrison
Windsor-3-1	Thomas A. Bock
Windsor-3-2	Alice M. Emmons
Windsor-3-2	Kristi C. Morris
Windsor-4-1	Heather Surprenant
Windsor-4-2	Kevin "Coach" B. Christie
Windsor-4-2	Rebecca White
Windsor-5	Charles A. Kimbell
Windsor-Orange-1	John O'Brien
Windsor-Orange-2	Timothy C. Briglin
Windsor-Orange-2	James W. Masland
Windsor-Rutland	Kirk White

Quorum Present

Thereupon, the Secretary of State declared that a quorum of the members-elect was present.

Election of Speaker

The Secretary of State directed the House to the election of a Speaker for the two years next ensuing.

Rep. Emmons of Springfield presented the name of **Rep. Krowinski of Burlington**.

Thereupon, **Rep. Emmons of Springfield's** nomination for Speaker was seconded by **Rep. Burditt of West Rutland.**

Rep. McCoy of Poultney moved that nominations cease and the Secretary of State cast one ballot for **Rep. Krowinski of Burlington** as Speaker of the House, which was agreed to.

Thereupon, the Secretary of State declared that

Jill L. Krowinski

the Representative from the City of Burlington, having a majority of the votes, was elected Speaker of the House of Representatives for the two years next ensuing.

The Secretary of State designated:

Rep. Long of Newfane

Rep. McCoy of Poultney

Rep. Colburn of Burlington

as a committee to wait upon the Speaker-elect, inform her of her election, and conduct her to the rostrum to receive the oath of office.

Oath Administered to Speaker

The Speaker-elect was conducted to the rostrum, the oath of office administered by the Secretary of State, and thereupon, the Speaker was conducted to the Chair and assumed her duties.

Election of Clerk

The Speaker directed the House to the election of a Clerk for the two years next ensuing.

Rep. McCarthy of St. Albans City presented the name of BetsyAnn Wrask of Waterbury.

Ms. Wrask's nomination for Clerk of the House was seconded by **Rep. LaClair of Barre Town.**

There being no further nominations, the Speaker then directed that the vote be taken *viva voce*.

The vote having been taken, the Speaker declared that

BetsyAnn Wrask

of Waterbury was elected Clerk of the House of Representatives for the two years next ensuing.

The Speaker designated:

Rep. Long of Newfane
Rep. McCoy of Poultney
Rep. Colburn of Burlington

as a committee to wait upon the Clerk-elect, inform her of her election, and conduct her to the bar of the House to receive the oath of office.

Oath Administered to Clerk

The Clerk-elect was conducted to the bar of the House, the oath of office administered by the Secretary of State, and thereupon, the Clerk entered upon the discharge of her duties.

Oath Administered to Members-Elect

Thereupon, the Representatives-elect each took and subscribed the oath, administered by the Clerk, as required by the Constitution and laws of the State.

Communication from Clerk

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

January 6, 2021
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 Melissa Kucserik of Montpelier as First Assistant Clerk, Alona Tate of Montpelier as Second Assistant Clerk, Rebecca Silbernagel of Fayston as Journal Clerk, and Christine Ditmeyer of Plainfield as Clerk Assistant.

Sincerely,

BetsyAnn Wrask
Clerk of the House

Oath Administered to Assistant Clerks

The Doorkeepers were directed to conduct Melissa Kucserik of Montpelier, the First Assistant Clerk, and Alona Tate of Montpelier, the Second Assistant Clerk, to the bar of the House where the oath was administered by the Clerk.

Thereupon, the assistant clerks entered upon the discharge of their duties.

House Resolution Adopted**H.R. 1**

House resolution, entitled

House resolution declaring a state of emergency

Offered by Representatives Krowinski of Burlington, Bartholomew of Hartland, Donahue of Northfield, LaClair of Barre Town, Long of Newfane, and McCoy of Poultney

Whereas Governor Philip B. Scott declared a state of emergency with regards to the COVID-19 pandemic until January 15, 2021, and

Whereas the Center for Disease Control (CDC) has issued guidelines including people maintain a safe social distance of six feet and minimize gatherings to reduce the infection rates of COVID-19, and

Whereas the separation of powers between branches of government necessitates the Governor's Declaration of Emergency does not include the Legislative Branch, and

Whereas the House of Representatives must meet in order to address the needs of Vermonters and confront the threat of COVID-19 to the State of Vermont, and

Whereas the House must complete its business in the safest manner possible to prevent the spread of COVID-19 throughout Vermont communities, now therefore be it

Resolved by the House of Representatives:

That based on the Governor's declared state of emergency, Center for Disease Control (CDC) guidelines, and protecting the safety of Vermonters, the House of Representatives declares that there is a state of emergency through March 9, 2021 for its rules and procedures.

Was read and adopted.

House Resolution Adopted**H.R. 2**

House resolution, entitled

House resolution authorizing remote debate and voting in the House and House committees

Offered by Representatives Krowinski of Burlington, Bartholomew of Hartland, Donahue of Northfield, LaClair of Barre Town, Long of Newfane, and McCoy of Poultney

Whereas Governor Philip B. Scott declared a state of emergency with regards to the COVID-19 pandemic until January 15, 2021; and

Whereas the House of Representatives declared a State of Emergency through March 9, 2021, and

Whereas the Center for Disease Control (CDC) has issued guidelines including people maintain a safe social distance of six feet and minimize gatherings to reduce the infection rates of COVID-19, and

Whereas the House of Representatives and the standing committees of the House of Representatives must meet in order to confront the threat of COVID-19 to the State of Vermont, and

Whereas in recognition of the declared state of emergency and CDC guidelines, the House must complete its business in the safest manner possible to protect Vermonters, and

Whereas to allow access to the proceedings of the House of Representatives and the committees of the House of Representatives, members of the public and press shall have access to live streaming of these remote proceedings, and

Whereas to properly conduct the business of the House of Representatives in an open and accessible manner, the House of Representatives amends the Rules and Orders of the House of Representatives to allow for remote participation during House's declared state of emergency; therefore, be it

Resolved by the House of Representatives:

That while the State of Vermont is subject to the House Declaration of a State of Emergency, the House of Representatives adds Temporary Rule 9a of The Rules and Orders of the House of Representatives to read:

9a. (a) The House of Representatives shall allow remote participation while the House's Declaration of a State of Emergency is in effect. Remote participation shall consist of members being permitted to vote remotely and engage in debate remotely. Members allowed to participate remotely shall validate they are the person connected remotely. Votes conducted remotely shall be compiled by the Clerk of the House. A quorum will be calculated as those members present in the chamber of the House of Representatives and those members who are connected remotely and voting remotely.

(b) This Rule shall expire at the earlier of the (1) the convening of the 2023 biennial session; or (2) the expiration of the House's Declaration of a

State of Emergency in response to COVID-19 and any extension of this declaration by a Joint Resolution or a House Resolution.; and be it further

Resolved by the House of Representatives:

That the House of Representatives adds Temporary Rule 29a of The Rules and Orders of the House of Representatives to read:

29a. (a) The standing committees of the House of Representatives shall be permitted to vote remotely while the House's Declaration of a State of Emergency is in effect.

(b) All other rules regarding a quorum and other rules of the committees remain in effect.

(c) This Rule shall expire at the earlier of the (1) the convening of the 2023 biennial session; or (2) the expiration of the House's Declaration of a State of Emergency in response to COVID-19 and any extension of this declaration by a Joint Resolution or a House Resolution.

Was read and adopted.

House Resolution Adopted

H.R. 3

House resolution, entitled

House resolution relating to House Rules

Offered By: Representatives Krowinski of Burlington, Bartholomew of Hartland, Donahue of Northfield, LaClair of Barre Town, Long of Newfane, and McCoy of Poultney

Resolved by the House of Representatives:

That the House rules in effect at the end of the 2019-2020 session be the rules of this biennial session until others are adopted.

Was read and adopted.

House Resolution Adopted

H.R. 4

House resolution, entitled

House resolution relating to the organization of the House and informing the Senate thereof

Offered By: Representatives Krowinski of Burlington, Bartholomew of Hartland, Donahue of Northfield, LaClair of Barre Town, Long of Newfane, and McCoy of Poultney

Resolved by the House of Representatives:

That the Clerk of the House inform the Senate that the House has organized and is ready to proceed on its part with the business of the session.

Was read and adopted.

House Resolution Adopted

H.R. 5

House resolution, entitled

House resolution relating to the organization of the House and informing the Governor thereof

Offered By: Representatives Krowinski of Burlington, Bartholomew of Hartland, Donahue of Northfield, LaClair of Barre Town, Long of Newfane, and McCoy of Poultney

Resolved by the House of Representatives:

That His Excellency, the Governor, be informed by Committee that the House has completed its organization and is ready to receive any communication from him.

Was read and adopted.

Committee Appointed

Pursuant to the provision of H.R. 5, the Speaker appointed the following as members of the Committee to inform the Governor of the organization of the House:

- Rep. Toleno of Brattleboro**
- Rep. James of Manchester**
- Rep. Pajala of Londonderry**
- Rep. Cina of Burlington**
- Rep. Cupoli of Rutland City**
- Rep. Dickinson of St. Albans Town**

Rules Committee Announced

Pursuant to the provisions of House Rule 25, the following members were elected by caucus to the Committee on Rules:

Democrats: **Rep. Long of Newfane**
 Rep. McCarthy of St. Albans City
 Rep. Bartholomew of Hartland

Republicans: **Rep. McCoy of Poultney**
 Rep. LaClair of Barre Town
 Rep. Donahue of Northfield

Message from the Senate No. 1

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

Madam Speaker:

I am directed to inform the House that:

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

JOHN H. BLOOMER, Jr.

of the Town of Wallingford, Secretary, who in turn has appointed

STEVEN D. MARSHALL

of the Town of Swanton, Assistant Secretary, and by the election of

REBECCA A. BALINT

of Windham District, President *pro tempore*.

Message from the Senate No. 2

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 resolutions of the following titles:

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

J.R.S. 2. Joint resolution relating to the adoption of an emergency temporary Joint Rule 22A.

J.R.S. 3. Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

J.R.S. 4. Joint resolution providing the canvassing committee of the General Assembly meeting shall be concurrently conducted electronically.

J.R.S. 5. Joint resolution to provide for a Joint Assembly to hear a message

from the Governor.

J.R.S. 6. Joint resolution relating to Town Meeting adjournment.

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

Message from the Senate No. 3

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 appointed as members of the Joint Canvassing Committee on the part of the Senate to canvass votes for state offices:

Addison District	Senator Hardy
Bennington District	Senator Champion
Caledonia District	Senator Benning
Chittenden District	Senator Ram
Essex-Orleans District	Senator Ingalls
Franklin District	Senator Parent
Grand Isle District	Senator Mazza
Lamoille District	Senator Westman
Orange District	Senator MacDonald
Rutland District	Senator Terenzini
Washington District	Senator Perchlik
Windham District	Senator White
Windsor District	Senator Clarkson

The President has designated Senator White as Chair on the part of the Senate.

Joint Resolution Adopted in Concurrence

J.R.S. 1

By Senator Mazza,

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

Resolved by the Senate and House of Representatives:

That the joint rules of the Senate and the House as adopted in 2019 be adopted as the joint rules of this biennial session until others are adopted.

Was taken up, read, and adopted in concurrence.

Joint Resolution Adopted in Concurrence

J.R.S. 2

By Senator Balint,

J.R.S. 2. Joint resolution relating to the adoption of an emergency temporary Joint Rule 22A.

Whereas, it is critical to take steps to control outbreaks of COVID-19 to minimize the risk to the public, maintain the health and safety of Vermonters and limit the spread of infection in our community;

Whereas, the Governor of the State of Vermont issued a Declaration of State of Emergency in Response to COVID-19;

Whereas, to confront and address the threat of COVID-19, joint committees of the Legislature must continue to meet;

Whereas, the rules, tradition and custom require that for a joint committee to formally meet a committee quorum must be physically present in a single location and only those physically present at the meeting location are permitted to vote;

Whereas, to appropriately address the needs of the State of Vermont, while limiting the threat of infection, joint committees may need to meet and vote electronically; *now therefore be it:*

Resolved by the Senate and House of Representatives:

That an emergency temporary joint rule, to be designated Rule 22A, be adopted by the Senate and House of Representatives to read as follows:

Rule 22A Emergency Rule Regarding Joint Committee Meetings

(a) The Joint Rules Committee is vested with the authority to permit any joint committees of the Vermont Legislature (including itself and Conference Committees) to meet and vote electronically as the Joint Rules Committee determines appropriate. If necessary, the Joint Rules Committee may make this authorization remotely in conformity with this Rule.

(b) The authority of the Joint Rules Committee under this Rule 22A terminates upon the expiration of the Executive's Declared Emergency.

Was taken up, read, and adopted in concurrence.

Joint Resolution Adopted in Concurrence**J.R.S. 3**

By Senator Balint,

J.R.S. 3. Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 7, 2021, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the voters of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the voters, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate, debate, and vote from a remote location, *and be it further*

Resolved: That should a ballot be necessary, voting by ballot shall be conducted, as practicable, consistent with Vermont's "Early or Absentee Voter" statute at 17 V.S.A. § 2531, et. seq.

Was taken up, read, and adopted in concurrence.

Joint Resolution Adopted in Concurrence**J.R.S. 4**

By Senator Balint,

J.R.S. 4. Joint resolution providing the canvassing committee of the General Assembly meeting shall be concurrently conducted electronically.

Resolved by the Senate and House of Representatives:

The canvassing committee of the General Assembly meeting shall be concurrently conducted electronically at which members may participate from a remote location.

Was taken up, read, and adopted in concurrence.

Joint Resolution Adopted in Concurrence**J.R.S. 5**

By Senator Balint,

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

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 7, 2021, at two o'clock in the afternoon to receive a message from the Governor, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically.

Was taken up, read, and adopted in concurrence.

Joint Resolution Adopted in Concurrence

J.R.S. 6

By Senator Balint,

J.R.S. 6. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 26, 2021, or Saturday, February 27, 2021, it be to meet again no later than Tuesday, March 9, 2021.

Was taken up, read, and adopted in concurrence.

Recess

At eleven and fifty-three minutes in the forenoon, the Speaker declared a recess until one o'clock and thirty minutes in the afternoon.

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

Seating of Members

Pursuant to the provisions of House Rule 5, the members were seated.

Canvassing Committee Elected

The Speaker nominated as the Committee on the part of the House to canvass votes for State officers, the following names members:

Addison District:	Scheu of Middlebury Birong of Vergennes Smith of New Haven
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Bennington District:	Corcoran of Bennington
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	Durfee of Shaftsbury Whitman of Bennington
Caledonia District:	Martel of Waterford Campbell of St. Johnsbury Troiano of Stannard
Chittenden District:	Small of Winooski Houghton of Essex Chase of Colchester
Essex-Orleans District:	Batchelor of Derby Sims of Craftsbury Marcotte of Coventry
Franklin District:	Murphy of Fairfax Hango of Berkshire Martin of Franklin
Grand Isle District:	Austin of Colchester Brennan of Colchester L. Morgan of Milton
Lamoille District	Noyes of Wolcott Scheuermann of Stowe Patt of Worcester
Orange District:	Copeland Hanzas of Bradford Satcowitz of Randolph Hooper of Randolph
Rutland District:	Howard of Rutland City Notte of Rutland City Shaw of Pittsford
Washington District:	Dolan of Waitsfield Kitzmiller of Montpelier Donahue of Northfield
Windham District:	Burke of Brattleboro Mrowicki of Putney Coffey of Guilford

Windsor District: Morris of Springfield
Christie of Hartford
O'Brien of Tunbridge

Rep. Long of Newfane moved the election of the candidates, as nominated by the Speaker, which was agreed to.

Thereupon, the Speaker appointed **Rep. Copeland Hanzas of Bradford** as Chair on the part of the House.

Oath Administered to Canvassing Committee

The Clerk administered the oath to the above-named Canvassing Committee as required by the rules of the House.

STANDING COMMITTEES ANNOUNCED

The Speaker announced the 2021-2022 House Standing Committees as follows:

Agriculture and Forestry

Chair: Partridge	of Windham
Vice-Chair: Graham	of Williamstown
Ranking Member: Bock	of Chester
Norris	of Shoreham
O'Brien	of Tunbridge
Pearl	of Danville
Surprenant	of Barnard
Strong	of Albany

Appropriations

Chair: Hooper	of Montpelier
Vice-Chair: Fagan	of Rutland City
Ranking Member: Jessup	of Middlesex
Feltus	of Lyndon
Harrison	of Chittenden
Helm	of Fair Haven
Scheu	of Middlebury
Squirrell	of Underhill
Toleno	of Brattleboro
Townsend	of South Burlington
Yacavone	of Morristown

Commerce and Economic Development

Chair: Marcotte	of Coventry
Vice-Chair: Kimbell	of Woodstock
Ranking Member: Jerome Dickinson	of Brandon
Kitzmiller	of St. Albans Town
Martin	of Montpelier
Mulvaney-Stanak	of Franklin
Nicoll	of Burlington
Nigro	of Ludlow
Seymour	of Bennington
White	of Sutton
	of Bethel

Corrections and Institutions

Chair: Emmons	of Springfield
Vice-Chair: Coffey	of Guilford
Ranking Member: Morrissey	of Bennington
Batchelor	of Derby
Bos-Lun	of Westminster
Campbell	of St. Johnsbury
Dolan	of Essex
Martel	of Waterford
M. Morgan	of Milton
Sullivan	of Dorset
Taylor	of Colchester

Education

Chair: Webb	of Shelburne
Vice-Chair: Cupoli	of Rutland City
Ranking Member: Conlon	of Cornwall
Arrison	of Weathersfield
Austin	of Colchester
Brady	of Williston
Brown	of Richmond
Hooper	of Randolph
James	of Manchester
Toof	of St. Albans Town
Williams	of Granby

Energy and Technology

Chair: Briglin	of Thetford
Vice-Chair: Sibilica	of Dover
Ranking Member: Scheuermann	of Stowe
Achey	of Middletown Springs
Chase	of Colchester
Patt	of Worcester
Rogers	of Waterville
Sims	of Craftsbury
Yantachka	of Charlotte

General, Housing, and Military Affairs

Chair: Stevens	of Waterbury
Vice-Chair: Troiano	of Stannard
Ranking Member: Murphy	of Fairfax
Birong	of Vergennes
Bluemle	of Burlington
Hango	of Berkshire
Howard	of Rutland City
Killackey	of South Burlington
Palasik	of Milton
Parsons	of Newbury
Walz	of Barre City

Government Operations

Chair: Copeland Hanzas	of Bradford
Vice-Chair: Gannon	of Wilmington
Ranking Member: LaClair	of Barre Town
Anthony	of Barre City
Colston	of Winooski
Higley	of Lowell
Hooper	of Burlington
Lefebvre	of Orange
McCarthy	of St. Albans City
Mrowicki	of Putney
Vyhovsky	of Essex

Health Care

Chair: Lippert	of Hinesburg
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Vice-Chair: Donahue	of Northfield
Ranking Member: Houghton	of Essex
Black	of Essex
Burrows	of West Windsor
Cina	of Burlington
Cordes	of Lincoln
Goldman	of Rockingham
Long	of Newfane
Page	of Newport City
Peterson	of Clarendon

Human Services

Chair: Pugh	of South Burlington
Vice-Chair: Wood	of Waterbury
Ranking Member: McFaun	of Barre Town
Brumsted	of Shelburne
Gregoire	of Fairfield
Noyes	of Wolcott
Pajala	of Londonderry
Redmond	of Essex
Rosenquist	of Georgia
Small	of Winooski
Whitman	of Bennington

Judiciary

Chair: Grad	of Moretown
Vice-Chair: Burditt	of West Rutland
Ranking Member: Christie	of Hartford
Colburn	of Burlington
Donnally	of Hyde Park
Goslant	of Northfield
Lalonde	of South Burlington
Leffler	of Enosburgh
Notte	of Rutland City
Norris	of Sheldon
Rachelson	of Burlington

Natural Resources, Fish, and Wildlife

Chair: Sheldon	of Middlebury
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Vice-Chair: McCullough	of Williston
Ranking Member: Smith	of New Haven
Bongartz	of Manchester
Brownell	of Pownal
Dolan	of Waitsfield
Lefebvre	of Newark
L. Morgan	of Milton
Morris	of Springfield
Satcowitz	of Randolph
Terenzini	of Rutland Town

Transportation

Chair: Lanpher	of Vergennes
Vice-Chair: Shaw	of Pittsford
Ranking Member: Corcoran	of Bennington
Bartholomew	of Hartland
Burke	of Brattleboro
McCormack	of Burlington
McCoy	of Poultney
Savage	of Swanton
Smith	of Derby
Stebbins	of Burlington
White	of Hartford

Ways and Means

Chair: Ancel	of Calais
Vice-Chair: Kornheiser	of Brattleboro
Ranking Member: Canfield	of Fair Haven
Beck	of St. Johnsbury
Brennan	of Colchester
Durfee	of Shaftsbury
Elder	of Starksboro
Ode	of Burlington
Masland	of Thetford
Mattos	of Milton
Till	of Jericho

Adjournment

At two o'clock and thirteen 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, January 7, 2021

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. Christie of Hartford.

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. 1

By Rep. Donahue of Northfield,
House bill, entitled
An act relating to mental health insurance benefits
To the Committee on Health Care.

H. 2

By Rep. Donahue of Northfield,
House bill, entitled
An act relating to an integrated mental health budget
To the Committee on Health Care.

H. 3

By Rep. McCullough of Williston,
House bill, entitled
An act relating to the land application of sludge and septage
To the Committee on Natural Resources, Fish, and Wildlife.

H. 4

By Rep. Till of Jericho,
House bill, entitled
An act relating to the use of the pesticide chlorpyrifos
To the Committee on Natural Resources, Fish, and Wildlife.

H. 5

By Rep. Till of Jericho,
House bill, entitled
An act relating to hearing protection while hunting
To the Committee on Natural Resources, Fish, and Wildlife.

H. 6

By Rep. Masland of Thetford,
House bill, entitled
An act relating to group net metering rates and projects
To the Committee on Energy and Technology.

H. 7

By Rep. Donahue of Northfield,
House bill, entitled
An act relating to the Forensic Mental Health Working Group
To the Committee on Judiciary.

H. 8

By Rep. McCullough of Williston,
House bill, entitled
An act relating to establishing a maximum speed limit of not more than 55
miles per hour on limited access facilities
To the Committee on Transportation.

H. 9

By Reps. Harrison of Chittenden and Graham of Williamstown,
House bill, entitled
An act relating to the definition of agricultural land for the purposes of use

value appraisals

To the Committee on Ways and Means.

H. 10

By Rep. Copeland Hanzas of Bradford,

House bill, entitled

An act relating to permitted candidate expenditures

To the Committee on Government Operations.

H. 11

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

House bill, entitled

An act relating to the removal of the pilings of Bridge 308

To the Committee on Transportation.

H. 12

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to the implementation of an electronic roll-call system in the Vermont House of Representatives

To the Committee on Corrections and Institutions.

H. 13

By Rep. McCullough of Williston,

House bill, entitled

An act relating to shared parental rights and responsibilities and equal parent-child contact

To the Committee on Judiciary.

H. 14

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to the effectiveness of the beverage container redemption system

To the Committee on Natural Resources, Fish, and Wildlife.

H. 15

By Rep. McCullough of Williston,

House bill, entitled

An act relating to the use of pesticide chlorpyrifos and the herbicides glyphosate and atrazine

To the Committee on Natural Resources, Fish, and Wildlife.

H. 16

By Rep. Shaw of Pittsford,

House bill, entitled

An act relating to the sale and use of fireworks

To the Committee on Judiciary.

H. 17

By Rep. Till of Jericho,

House bill, entitled

An act relating to physician expert witnesses in medical malpractice actions

To the Committee on Judiciary.

H. 18

By Reps. Burditt of West Rutland and Grad of Moretown,

House bill, entitled

An act relating to sexual exploitation of children

To the Committee on Judiciary.

H. 19

By Rep. Grad of Moretown,

House bill, entitled

An act relating to competency to stand trial

To the Committee on Judiciary.

H. 20

By Rep. Grad of Moretown,

House bill, entitled

An act relating to pretrial risk assessments and pretrial services

To the Committee on Judiciary.

H. 21

By Rep. Till of Jericho,

House bill, entitled

An act relating to prohibiting licensed midwives from performing home births after cesarean delivery

To the Committee on Health Care.

H. 22

By Rep. Till of Jericho,

House bill, entitled

An act relating to requiring that at least one member of the Green Mountain Care Board be a health care professional

To the Committee on Health Care.

H. 23

By Rep. Till of Jericho,

House bill, entitled

An act relating to administering stem cell products not approved by the U.S. Food and Drug Administration

To the Committee on Health Care.

H. 24

By Rep. McCullough of Williston,

House bill, entitled

An act relating to coverage for complementary and alternative health care services

To the Committee on Health Care.

H. 25

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to evaluating the sale of Long-Term Care Partnership policies

To the Committee on Human Services.

H. 26

By Reps. Dolan of Waitsfield, Squirrel of Underhill, Lefebvre of Newark, McCullough of Williston, Ode of Burlington, and Sheldon of Middlebury,

House bill, entitled

An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products

To the Committee on Health Care.

H. 27

By Rep. McCullough of Williston,

House bill, entitled

An act relating to health and safety warnings on consumer products containing perfluoroalkyl and polyfluoroalkyl substances

To the Committee on Health Care.

H. 28

By Rep. McCullough of Williston,

House bill, entitled

An act relating to the basic needs budget and livable wage

To the Committee on General, Housing, and Military Affairs.

H. 29

By Reps. Marcotte of Coventry and Campbell of St. Johnsbury,

House bill, entitled

An act relating to notifying prospective employees of ineligibility for unemployment insurance benefits

To the Committee on General, Housing, and Military Affairs.

H. 30

By Reps. Yacovone of Morristown, Noyes of Wolcott, and Wood of Waterbury,

House bill, entitled

An act relating to the study and design of a long-term care trust fund

To the Committee on Human Services.

H. 31

By Reps. Ancel of Calais, Donahue of Northfield, Goslant of Northfield, Jessup of Middlesex, Patt of Worcester, and Yacovone of Morrystown,

House bill, entitled

An act relating to extending merger benefits to school districts that were involuntarily merged under the State Board of Education's Act 46 merger order

To the Committee on Education.

H. 32

By Reps. Elder of Starksboro and Rogers of Waterville,

House bill, entitled

An act relating to universal school breakfast and lunch for all public school students

To the Committee on Education.

H. 33

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to auto rental contracts

To the Committee on Commerce and Economic Development.

H. 34

By Reps. Kimbell of Woodstock and Fagan of Rutland City,

House bill, entitled

An act relating to the use of debt proceeds in tax increment financing districts

To the Committee on Ways and Means.

H. 35

By Reps. Conlon of Cornwall and Elder of Starksboro,

House bill, entitled

An act relating to eliminating eligible school construction costs from a school district's excess spending

To the Committee on Education.

H. 36

By Rep. Till of Jericho,
House bill, entitled
An act relating to primary enforcement of the adult safety belt law
To the Committee on Transportation.

H. 37

By Rep. Till of Jericho,
House bill, entitled
An act relating to the imposition of an excise tax on sugar-sweetened
beverages
To the Committee on Ways and Means.

H. 38

By Reps. Donahue of Northfield and Till of Jericho,
House bill, entitled
An act relating to the imposition of sales tax on candy
To the Committee on Ways and Means.

H. 39

By Reps. Sullivan of Dorset, Batchelor of Derby, Beck of St. Johnsbury,
Feltus of Lyndon, Graham of Williamstown, Lefebvre of Orange, Morgan, L.
of Milton, Norris of Shoreham, Notte of Rutland City, and Page of Newport
City,

House bill, entitled
An act relating to the Vermont Climate Council and conflicts of interest
To the Committee on Energy and Technology.

H. 40

By Rep. Donahue of Northfield,
House bill, entitled
An act relating to whistleblower protections for law enforcement officers
To the Committee on General, Housing, and Military Affairs.

H. 41

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to family leave and insurance protections for organ donors

To the Committee on General, Housing, and Military Affairs.

H. 42

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to including the amount expended by an employer for health insurance in the determination of the minimum wage

To the Committee on General, Housing, and Military Affairs.

H. 43

By Rep. Till of Jericho,

House bill, entitled

An act relating to allowing individuals who have attained 16 years of age to consent to the administration of vaccinations

To the Committee on Health Care.

H. 44

By Rep. Till of Jericho,

House bill, entitled

An act relating to universal home visiting and parenting classes

To the Committee on Human Services.

H. 45

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

House bill, entitled

An act relating to the provision of grants for mental health providers working in collaboration with municipal police departments

To the Committee on Human Services.

H. 46

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to miscellaneous provisions of mental health law

To the Committee on Health Care.

H. 47

By Reps. Donahue of Northfield, Fagan of Rutland City, Goslant of Northfield, and Harrison of Chittenden,

House bill, entitled

An act relating to employment rights for members of the Reserve and National Guard

To the Committee on General, Housing, and Military Affairs.

H. 48

By Rep. Copeland Hanzas of Bradford,

House bill, entitled

An act relating to authorizing alternative procedures for 2021 annual municipal meetings in response to COVID-19

To the Committee on Government Operations.

H. 49

By Reps. Townsend of South Burlington, Cordes of Lincoln, James of Manchester, Killacky of South Burlington, Kornheiser of Brattleboro, Leffler of Enosburgh, McCullough of Williston, Mrowicki of Putney, Vyhovsky of Essex, White of Hartford, and Yacovone of Morristown,

House bill, entitled

An act relating to including psychological abuse as the basis for obtaining a civil abuse protection order

To the Committee on Judiciary.

H. 50

By Rep. Till of Jericho,

House bill, entitled

An act relating to pharmacists providing information on the proper disposal of unused regulated drugs

To the Committee on Health Care.

House Resolution Referred to Committee

H.R. 6

House resolution, entitled

House resolution relating to the electronic recording of votes

Offered by: Representative Kimbell of Woodstock

Whereas, the House of Representatives, due to the State of Emergency first declared in March 2020 in response to the COVID-19 pandemic, temporarily amended its rules to allow votes of the House to be taken electronically, and

Whereas, the Office of Legislative Information Technology, working in conjunction with the Speaker, the Chief of the Capitol Police, the House Clerk, and the Sergeant at Arms, was able to create and administer electronic voting in a manner that met the highest security levels, identifying and verifying each member voting, and

Whereas, the system that was used recorded the Yeas and Nays of the members voting, though the recording of how a member voted was limited to the times that an alphabetically called roll call was administered, and

Whereas, increasing the transparency of the votes cast by elected Representatives creates greater accountability to the voters who elected them, strengthening our democratic principles, and

Whereas, the current rules for roll call votes take considerable amounts of time that could be better utilized in other ways, and

Whereas, it is the House's position that except for procedural or other minor votes agreed to be taken by voice vote or its electronic equivalent, all votes cast using the electronic voting system adopted by the House should record the Representatives' votes by Yeas and Nays and this record should be made public, now therefore be it

Resolved by the House of Representatives: That this legislative body amends the Rules and Orders of the House of Representatives as follows:

RULES AND ORDERS OF THE HOUSE OF REPRESENTATIVES

* * *

II. Of Sessions of the House

* * *

9. If a quorum is not present within fifteen minutes after the time to which the House was adjourned or whenever a roll call or a division the electronic voting system of the House discloses no quorum present and voting, the presiding officer or those present may send the Sergeant at Arms or other officer after the absentees to compel their attendance, or may adjourn.

* * *

III. Of Members

* * *

14. Subject to the provisions of Rules 73, ~~74~~ and 75, it shall be the duty of a member to vote upon all questions decided by ~~a roll call vote~~ votes made in the electronic voting system, voice vote, ~~division of the House~~ or ballot.

* * *

IV. Of Officers

* * *

19. The Clerk shall prepare the Journal and cause it to be printed. The Journal shall record the proceedings of the House, except when acting in Committee of the Whole, including the titles of bills, proposed amendments, the names of the members, ~~and the votes which~~ that they give on every question decided by roll call votes cast on the electronic voting system as set forth in Rule 69, and such other matters as may be pertinent. The Journal shall not be read except at the direction of the House.

* * *

XI. Of Voting

69. ~~The alphabetical roll call shall be called upon any question if demanded by one member and sustained by at least four other members~~ All votes shall be cast on the electronic voting system by the Yeas and Nays, except for procedural votes or other minor votes that are agreed to be cast in the manner of a voice vote or its electronic equivalent; provided, however, that such a vote shall be cast on the electronic voting system by the Yeas and Nays if demanded by one member. All votes cast on the electronic voting system by the Yeas and Nays shall be public and shall be printed in the Journal.

70. Explanations of votes cast on the electronic voting system by the Yeas and Nays will be allowed only after the ~~roll call~~ casting of votes is complete and immediately before the result thereof is announced. Explanations shall be submitted immediately to the Clerk in writing. It is generally recommended that vote explanations should be infrequent and brief.

71. ~~A division of the House shall be had upon order of the Speaker or upon demand of one member. If the vote be taken by division, a voting member who is unable to stand need not rise to express his or her vote but shall indicate the vote in some other manner. [Repealed.]~~

72. ~~No member or other person may remain by the Clerk's desk when the roll is being called. [Repealed.]~~

73. When a vote is taken, every member present shall vote unless excused by the House; but no member may be compelled to vote who was absent when the question was stated from the Chair.

~~74. At the conclusion of the call of the roll, the alphabetical roll of the absentees will be called and, subject to Rule 73, members who were absent when their names were first called and who are now present shall then vote. Members not present when their names were called the second time shall not be permitted to vote, except by leave of the House. Members shall not be permitted to change their votes after the results of a vote have been announced, except by leave of the House.~~

* * *

Was read by title and, in the Speaker's discretion pursuant to Rule 52, referred to the Committee on Rules.

Recess

At nine o'clock and forty-five minutes in the forenoon, the Speaker declared a recess until the fall of the gavel following the Joint Assembly to hear the Governor's message.

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

Message from the Senate No. 4

A message was received from the Senate by Mr. Marshall, 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. 7. Joint resolution relating to weekend adjournment.

Joint Resolution Adopted

J.R.H. 1

Joint resolution condemning the storming of the U.S. Capitol on January 6, 2021 as an attack on democracy

Offered by: Representatives Sibia of Dover, Cina of Burlington, Scheuermann of Stowe, Sims of Craftsbury, Ancel of Calais, Anthony of Barre City, Arrison of Weathersfield, Austin of Colchester, Bartholomew of Hartland, Beck of St. Johnsbury, Birong of Vergennes, Black of Essex

Junction, Bluemle of Burlington, Bock of Chester, Bongartz of Manchester Center, Bos-Lun of Westminster, Brady of Williston, Briglin of Thetford, Brown of Richmond, Brownell of Pownal, Brumsted of Shelburne, Burditt of West Rutland, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Chase of Colchester, Christie of Hartford, Coffey of Guilford, Colburn of Burlington, Colston of Winooski, Conlon of Cornwall, Copeland Hanzas of Bradford, Corcoran of Bennington, Cordes of Lincoln, Cupoli of Rutland City, Dickinson of St. Albans Town, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Donnally of Hyde Park, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Fagan of Rutland City, Feltus of Lyndon, Gannon of Wilmington, Goldman of Rockingham, Goslant of Northfield, Grad of Moretown, Harrison of Chittenden, Hooper of Montpelier, Hooper of Randolph, Hooper of Burlington, Houghton of Essex, Howard of Rutland City, James of Manchester, Jerome of Brandon, Jessup of Middlesex, Killacky of South Burlington, Kimbell of Woodstock, Kitzmiller of Montpelier, Kornheiser of Brattleboro, Krowinski of Burlington, LaClair of Barre Town, LaLonde of South Burlington, Lanpher of Vergennes, Leffler of Enosburgh, Lippert of Hinesburg, Long of Newfane, Marcotte of Coventry, Masland of Thetford, Mattos of Milton, McCarthy of St. Albans City, McCormack of Burlington, McCoy of Poultney, McCullough of Williston, McFaun of Barre Town, Morrissey of Bennington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Murphy of Fairfax, Nicoll of Ludlow, Nigro of Bennington, Notte of Rutland City, Noyes of Wolcott, O'Brien of Tunbridge, Ode of Burlington, Page of Newport City, Pajala of Londonderry, Partridge of Windham, Patt of Worcester, Pearl of Danville, Pugh of South Burlington, Rachelson of Burlington, Redmond of Essex, Rogers of Waterville, Satcowitz of Randolph, Scheu of Middlebury, Seymour of Sutton, Shaw of Pittsford, Sheldon of Middlebury, Small of Winooski, Squirrell of Underhill, Stebbins of Burlington, Stevens of Waterbury, Sullivan of Dorset, Suprenant of Barnard, Taylor of Colchester, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Troiano of Stannard, Vyhovsky of Essex, Walz of Barre City, Webb of Shelburne, White of Bethel, White of Hartford, Whitman of Bennington, Wood of Waterbury, Yacovone of Morristown, and Yantachka of Charlotte

Whereas, on January 6, 2021, President Donald J. Trump addressed thousands of supporters, urging them to go to the U.S. Capitol in support of his false claim that he won the 2020 presidential election, and

Whereas, the President's supporters marched to the Capitol and violently stormed the building, attacking police officers, ransacking offices, terrorizing the members of Congress, and forcing the stoppage of the certification of

President-elect Biden's electoral victory, and four people died as a result of the violence, and

Whereas, the actions of this mob were not just criminal and lawless, they constituted a direct attack upon our democracy, and

Whereas, this attack was instigated by President Donald Trump, who is attempting to overturn the results of a fair and free election that he lost in order to keep himself in power, and

Whereas, Governor Phil Scott forcefully stated that "The fabric of our democracy and the principles of our republic are under attack by the President" and called for President Trump to resign or be removed from office, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly condemns the storming of the U.S. Capitol on January 6, 2021 as an attack on democracy, and be it further

Resolved: That the General Assembly calls for President Donald J. Trump to resign or to be removed from office by his Cabinet or by the Congress, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Donald J. Trump, Vice President Michael Pence, and the Vermont Congressional Delegation.

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

Adjournment

At three o'clock and twenty 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 8, 2021

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. McCoy of Poultney.

Memorial Service

The Speaker placed before the House the following names of members of past sessions of the Vermont House of Representatives who had passed away recently:

Bernard Juskiewicz of Cambridge	Member of the House Sessions of 2013-2018
Harvey D. Carter of Pownal	Member of the House Session of 1969
George Schiavone of Shelburne	Member of the House Sessions of 1993-2005
Warren Miller of Elmore	Member of the House Sessions of 2003-2006
Steve Beyor of Highgate Springs	Member of the House Sessions of 2013-2018
Mary Ann Parizo of Essex	Member of the House Sessions of 1990-2000
Robert W. Cochran of Jericho	Member of the House Sessions of 1993-1996
James A. Field of Ferrisburg	Member of the House Sessions of 1963-1966

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

House Bills Introduced

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

H. 51

By Rep. Rogers of Waterville,

House bill, entitled

An act relating to recommendations regarding ownership of medical data in electronic health records

To the Committee on Health Care.

H. 52

By Reps. Townsend of South Burlington, Brady of Williston, Colston of Winooski, Killacky of South Burlington, McCullough of Williston, Pugh of South Burlington, Small of Winooski, and Vyhovsky of Essex,

House bill, entitled

An act relating to establishing a study committee to examine the governance of the Burlington International Airport

To the Committee on Transportation.

H. 53

By Reps. Till of Jericho, Anthony of Barre City, Austin of Colchester, Chase of Colchester, Colburn of Burlington, Durfee of Shaftsbury, Elder of Starksboro, Goldman of Rockingham, Grad of Moretown, Hooper of Burlington, Kitzmiller of Montpelier, Kornheiser of Brattleboro, Morris of Springfield, Mrowicki of Putney, Partridge of Windham, Patt of Worcester, Stebbins of Burlington, Stevens of Waterbury, Sullivan of Dorset, Troiano of Stannard, Walz of Barre City, and White of Hartford,

House bill, entitled

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

To the Committee on Ways and Means.

Joint Resolution Adopted in Concurrence**J.R.S. 7**

By Senator Clarkson,

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

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 8, 2021, it be to meet again no later than Tuesday, January 12, 2021.

Was taken up, read, and adopted in concurrence.

Adjournment

At nine o'clock and forty-seven minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 12, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 7.

Tuesday, January 12, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Cina of Burlington.

Pledge of Allegiance

Speaker Jill Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 5

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 considered joint resolution originating in the House of the following title:

J.R.H. 1. Joint resolution condemning the storming of the U.S. Capitol on January 6, 2021 as an attack on democracy.

And has adopted the same in concurrence.

House Bills Introduced

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

H. 54

By Reps. Sibia of Dover, Colburn of Burlington, Gannon of Wilmington, Marcotte of Coventry, Pajala of Londonderry, Partridge of Windham, Sims of Craftsbury, Small of Winooski, Campbell of St. Johnsbury, Christie of Hartford, Donnally of Hyde Park, Elder of Starksboro, and Rogers of Waterville,

House bill, entitled

An act relating to adjusting the existing weighting factors, and adding new weighting factors, used to calculate equalized pupils

To the Committee on Education.

H. 55

By Reps. Townsend of South Burlington, Anthony of Barre City, Austin of Colchester, Cina of Burlington, Colburn of Burlington, Ode of Burlington, Patt of Worcester, Suprenant of Barnard, Vyhovsky of Essex, and Yantachka of Charlotte,

House bill, entitled

An act relating to applying Vermont prevailing wages to school construction projects

To the Committee on Education.

H. 56

By Reps. Shaw of Pittsford and Savage of Swanton,

House bill, entitled

An act relating to the use of colored signal lamps on law enforcement, fire department, and emergency medical service vehicles

To the Committee on Transportation.

H. 57

By Reps. Yacovone of Morristown and Gannon of Wilmington,

House bill, entitled

An act relating to creating a Vermont Economic Solutions Act

To the Committee on Commerce and Economic Development.

H. 58

By Rep. Kornheiser of Brattleboro,

House bill, entitled

An act relating to creating a right to repair agricultural equipment

To the Committee on Agriculture and Forestry.

H. 59

By Rep. Taylor of Colchester,

House bill, entitled

An act relating to increasing the compensation for the Chair of the Parole Board

To the Committee on Corrections and Institutions.

H. 60

By Reps. Yacovone of Morristown and Patt of Worcester,
House bill, entitled
An act relating to winter tires on rental cars
To the Committee on Transportation.

H. 61

By Rep. Murphy of Fairfax,
House bill, entitled
An act relating to the display of number plates on motor vehicles
To the Committee on Transportation.

H. 62

By Rep. Coffey of Guilford,
House bill, entitled
An act relating to blocking at-grade rail crossings
To the Committee on Transportation.

H. 63

By Rep. Conlon of Cornwall,
House bill, entitled
An act relating to statewide public school employee health benefits
To the Committee on General, Housing, and Military Affairs.

H. 64

By Rep. Rogers of Waterville,
House bill, entitled
An act relating to prohibiting gifts to legislators from lobbying entities
To the Committee on Government Operations.

Bill Read Second Time; Consideration Interrupted by Recess**H. 48**

Rep. Copeland Hanzas of Bradford, for the Committee on Government
Operations, to which had been referred

House bill, entitled

An act relating to authorizing alternative procedures for 2021 annual municipal meetings in response to COVID-19

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

Sec. 1. LEGISLATIVE FINDINGS, INTENT, AND PURPOSE

(a) Findings.

(1) The General Assembly finds that the continued spread of COVID-19 in the State of Vermont has the potential to jeopardize the health, safety, and welfare of Vermonters voting in their 2021 annual municipal meetings. These meetings include annual town meetings, which are required by general law to be held on the first Tuesday of March; annual school district meetings, which are generally required to be held between the months of February and June; and other municipal annual meetings with meeting dates controlled by charter.

(2) While the General Assembly enacted 2020 Acts and Resolves No. 162 to permit municipal legislative bodies to vote to apply the Australian ballot system to their municipal meetings in the year 2021, the General Assembly finds that COVID-19 concerns persist regarding 2021 annual municipal meetings because:

(A) in municipalities applying the Australian ballot system to these meetings, general law requires voters to apply for an early voter absentee ballot, and a polling place is required for any voters who do not vote absentee; and

(B) many municipalities want to continue their custom of conducting annual meetings using floor votes.

(b) Intent and purpose. It is the intent of the General Assembly that the citizens of Vermont should be able to protect their health, safety, and welfare while also continuing to exercise their right to participate in annual municipal meetings. Accordingly, the purpose of this act is to:

(1) permit municipalities to move the date of their 2021 annual meeting to a potentially safer date later in the year;

(2) permit municipalities to mail out 2021 annual meeting early voter absentee Australian ballots to all active registered municipal voters to encourage absentee voting and thereby reduce exposure to COVID-19; and

(3) authorize the Secretary of State to order or permit supplemental elections procedures related to these 2021 annual municipal meeting provisions.

(c) Intent for the cooperation of municipalities. It is the intent of the General Assembly that municipal officials, including boards of civil authority and municipal clerks, shall cooperate with and assist school districts and other incorporated districts with the administration of annual district meetings and budget votes.

Sec. 2. ANNUAL MUNICIPAL MEETINGS IN THE YEAR 2021;

ALTERNATIVE PROCEDURES

(a) Notwithstanding any provision of law to the contrary, in the year 2021:

(1) a municipal legislative body may vote to move the date of the municipality's 2021 annual meeting to a date later in the year 2021;

(2) a municipal legislative body may require the municipal clerk to mail to all of the active registered voters in the municipality the Australian ballot to be used at the 2021 annual municipal meeting;

(3) the Town of Brattleboro may hold its annual Representative Town Meeting by electronic means;

(4) the Board of Supervisors of the Northeast Kingdom Waste Management District may vote to adopt the District's annual budget for the ensuing fiscal year; and

(5) the Secretary of State is authorized to order or permit, as applicable, appropriate elections procedures that supplement and relate to any municipal authority exercised under the provisions of this subsection in order to protect the health, safety, and welfare of voters, elections workers, and candidates in carrying out those meetings.

(b) In any municipality that moves the date of the 2021 annual meeting pursuant to subdivision (a)(1) of this section, municipal officers shall serve until the annual meeting and until successors are chosen.

(c) For any election procedure the Secretary of State orders or permits under this section, the Secretary shall adopt any necessary corresponding procedures that ensure the public can monitor polling places and the counting of votes.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, and read the second time.

Recess

At ten o'clock and twenty-three minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

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

Consideration Resumed; Amendment Offered and Withdrawn; Bill Amended; Third Reading Ordered; Rules Suspended; Third Reading; Bill Passed; Rules Suspended; Bill Messaged to Senate Forthwith

H. 48

Consideration resumed on House bill, entitled

An act relating to authorizing alternative procedures for 2021 annual municipal meetings in response to COVID-19

Pending the question, Shall the bill be amended as recommended by the Committee on Government Operations?, **Rep. Toof of St. Albans Town** moved to amend the report of the Committee on Government Operations as follows:

In Sec. 2 (Annual meetings in the year 2021; alternative procedures), by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) Notwithstanding any provision of law to the contrary, in the year 2021:

(1) a municipal legislative body shall vote to enact one or more of the following alternative procedures for the municipality's 2021 annual meeting:

(A) move the date of the annual municipal meeting to a date later in the year 2021; or

(B) require the municipal clerk to mail to all of the active registered voters in the municipality the Australian ballot to be used at the annual municipal meeting;

(2) the Town of Brattleboro may hold its annual Representative Town Meeting by electronic means;

(3) the Board of Supervisors of the Northeast Kingdom Waste Management District may vote to adopt the District's annual budget for the ensuing fiscal year; and

(4) the Secretary of State is authorized to order or permit, as applicable, appropriate elections procedures that supplement and relate to any municipal authority exercised under the provisions of this subsection in order to protect

the health, safety, and welfare of voters, elections workers, and candidates in carrying out those meetings.

Thereupon, **Rep. Toof of St. Albans Town** asked and was granted leave of the House to withdraw his amendment.

Thereafter, the report of the Committee on Government Operations was agreed to and third reading was ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill placed in all remaining stages of passage. Thereupon, the bill was read the third time and passed.

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

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

H. 29

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

An act relating to notifying prospective employees of ineligibility for unemployment insurance benefits

And that the bill be committed to the Committee on Commerce and Economic Development, which was agreed to.

Adjournment

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

Wednesday, January 13, 2021

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

Devotional Exercises

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

Message from the Senate No. 6

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. 8. Joint resolution relating to weekend adjournment.

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. 65

By Rep. Killacky of South Burlington,

House bill, entitled

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

To the Committee on Human Services.

H. 66

By Rep. Patt of Worcester,

House bill, entitled

An act relating to extending the baseload renewable power portfolio requirement

To the Committee on Energy and Technology.

H. 67

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to bears doing damage to agricultural crops

To the Committee on Agriculture and Forestry.

H. 68

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to bicycle helmets

To the Committee on Transportation.

H. 69

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to the intentional release of balloons

To the Committee on Natural Resources, Fish, and Wildlife.

H. 70

By Reps. Burke of Brattleboro and Rogers of Waterville,

House bill, entitled

An act relating to the permitting of low-impact wastewater systems

To the Committee on Natural Resources, Fish, and Wildlife.

Joint Resolution Adopted in Concurrence

J.R.S. 8

By Senator Balint,

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

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 15, 2021, it be to meet again no later than Tuesday, January 19, 2021.

Was taken up, read, and adopted in concurrence.

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

H. 45

Rep. Pugh of South Burlington moved that the Committee on Human Services be relieved of House bill, entitled

An act relating to the provision of grants for mental health providers working in collaboration with municipal police departments

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. 26

Rep. Lippert of Hinesburg moved that the Committee on Health Care be relieved of House bill, entitled

An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products

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

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

H. 27

Rep. Lippert of Hinesburg moved that the Committee on Health Care be relieved of House bill, entitled

An act relating to health and safety warnings on consumer products containing perfluoroalkyl and polyfluoroalkyl substances

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

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

H. 50

Rep. Lippert of Hinesburg moved that the Committee on Health Care be relieved of House bill, entitled

An act relating to pharmacists providing information on the proper disposal of unused regulated drugs

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

Adjournment

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

Thursday, January 14, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Redmond of Essex.

House Bills Introduced

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

H. 71

By Reps. Gregoire of Fairfield, Hango of Berkshire, Batchelor of Derby, Brennan of Colchester, Donahue of Northfield, Goslant of Northfield, Grad of Moretown, Leffler of Enosburgh, Morgan, L. of Milton, Morrissey of Bennington, Page of Newport City, Savage of Swanton, Scheuermann of Stowe, Sibia of Dover, Smith of Derby, Strong of Albany, and Toof of St. Albans Town,

House bill, entitled

An act relating to exempting U.S. military retirement pay from income tax
To the Committee on Ways and Means.

H. 72

By Rep. Canfield of Fair Haven,

House bill, entitled

An act relating to providing emergency service courses at regional technical centers

To the Committee on Commerce and Economic Development.

H. 73

By Rep. Sullivan of Dorset,

House bill, entitled

An act relating to developing the Northshire working lands economy
To the Committee on Commerce and Economic Development.

H. 74

By Rep. Marcotte of Coventry,

House bill, entitled

An act relating to making miscellaneous changes concerning self-storage businesses

To the Committee on Commerce and Economic Development.

H. 75

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to promoting consumer protection in data and technology

To the Committee on Commerce and Economic Development.

H. 76

By Rep. Rogers of Waterville,

House bill, entitled

An act relating to landlord-tenant rights and political lawn signs

To the Committee on General, Housing, and Military Affairs.

H. 77

By Reps. Dolan of Waitsfield and Stevens of Waterbury,

House bill, entitled

An act relating to property transfer tax revenues designated for the Vermont Housing and Conservation Trust Fund

To the Committee on Ways and Means.

H. 78

By Reps. Conlon of Cornwall and Elder of Starksboro,

House bill, entitled

An act relating to eliminating from the excess spending calculation a school employer's annual increases in costs associated with health care premium contributions

To the Committee on Education.

H. 79

By Rep. Townsend of South Burlington,

House bill, entitled

An act relating to requiring postsecondary credits in African American

history as a condition of teacher licensing

To the Committee on Education.

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

H. 55

Rep. Webb of Shelburne moved that the Committee on Education be relieved of House bill, entitled

An act relating to applying Vermont prevailing wages to school construction projects

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

Joint Fiscal Committee Appointed

Pursuant to 2 V.S.A. § 501, the Chair appointed the following members to the Joint Fiscal Committee:

Rep. Hooper of Montpelier

Rep. Ancel of Calais

Rep. Fagan of Rutland City

Rep. Briglin of Thetford

Rep. Kornheiser of Brattleboro

Adjournment

At one o'clock and thirty-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, January 15, 2021

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. Whitman of Bennington.

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. 9. 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.

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

H. 48. An act relating to authorizing alternative procedures for 2021 annual municipal meetings in response to COVID-19.

And has concurred therein.

Communication 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 14th day of January, 2021, I am herewith enclosing the following Executive Orders:

01-21 Creation of the Agency of Public Safety

02-21 Reorganization of the Natural Resources Board

House Message #1

01/14/21

House Bills Introduced

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

H. 80

By Reps. Townsend of South Burlington, Anthony of Barre City, Hooper of Burlington, Howard of Rutland City, Masland of Thetford, Troiano of Stannard, Vyhovsky of Essex, Walz of Barre City, and Yacovone of Morristown,

House bill, entitled

An act relating to the collective bargaining rights of teachers

To the Committee on General, Housing, and Military Affairs.

H. 81

By Reps. Townsend of South Burlington, Anthony of Barre City, Bos-Lun of Westminster, Cina of Burlington, Colston of Winooski, Elder of Starksboro, Killacky of South Burlington, Mulvaney-Stanak of Burlington, Satcowitz of Randolph, Till of Jericho, and Vyhovsky of Essex,

House bill, entitled

An act relating to statewide public school employee health benefits

To the Committee on General, Housing, and Military Affairs.

H. 82

By Rep. Patt of Worcester,

House bill, entitled

An act relating to allowing municipal and cooperative utilities to offer innovative rates and services

To the Committee on Energy and Technology.

H. 83

By Rep. Anthony of Barre City,

House bill, entitled

An act relating to development and subdivisions above 1,500 feet

To the Committee on Natural Resources, Fish, and Wildlife.

H. 84

By Reps. Kimbell of Woodstock and Marcotte of Coventry,

House bill, entitled

An act relating to the downtown and village center tax credit program

To the Committee on Ways and Means.

H. 85

By Reps. Stevens of Waterbury, Anthony of Barre City, Bluemle of Burlington, Cina of Burlington, Cordes of Lincoln, Hooper of Burlington, Killacky of South Burlington, Patt of Worcester, Satcowitz of Randolph, Sims of Craftsbury, Stebbins of Burlington, Suprenant of Barnard, Townsend of

South Burlington, Wood of Waterbury, and Yantachka of Charlotte,

House bill, entitled

An act relating to requiring employment breaks

To the Committee on General, Housing, and Military Affairs.

H. 86

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

House bill, entitled

An act relating to miscellaneous changes to education law

To the Committee on Education.

Executive Order Referred to Committee

The Speaker placed before the House Executive Order No. 01-21, which was read by title and referred to the Committee on Government Operations.

STATE OF VERMONT EXECUTIVE DEPARTMENT EXECUTIVE ORDER NO. 01-21

[Creation of the Agency of Public Safety]

WHEREAS, the Governor, pursuant to Vermont Constitution Chapter II, Section 3, and 3 V.S.A. Section 2001 and Section 2002, may make such changes in the organization of the Executive Branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

WHEREAS, the Constitution of Vermont, Chapter II, Section 6 provides that no bill, resolution or other thing which shall have been passed by one house of the General Assembly shall have the effect of or be declared to be a law without the concurrence of the other, ensuring no action by a single house, committee or agent of the General Assembly may be binding on the Executive Branch; and

WHEREAS, any organizational changes made by the Governor, pursuant to 3 V.S.A. Section 2001 and Section 2002, shall be subject to disapproval by both houses of the General Assembly; and

WHEREAS, it is desirable to reorganize the agencies, departments and divisions of government by better coordinating certain activities and improve the coordination and effectiveness of services to the public; and

WHEREAS, the Department of Public Safety administers programs and provides services that share common functions, training, IT systems and

equipment, public safety and policy interests and emergency response objectives with the Criminal Justice Council, E-911 Board, and the enforcement divisions of other state agencies and departments; and

WHEREAS, an Agency of Public Safety would be best positioned to elevate criminal justice to a Cabinet level by providing administrative and operational support for the state police training facilities and the Criminal Justice Council which would retain its independence and existing statutory duties and responsibilities for assisting local departments to achieve desired levels of certification and standardization now required for state aid, as well as investigating statewide incidents of police officer uses of force and police misconduct allegations; and

WHEREAS, the Department of Public Safety has been a leader in the State in the areas of Fair and Impartial policing and associated policy development, data collection and operational implementation, law enforcement training, technology and innovation; and

WHEREAS, in January 2020, the Department of Public Safety proposed an outline for modernizing policing and public safety in Vermont, which is based, in part, on more than 50 years of studies, reports and legislative drafts; and

WHEREAS, in June 2020, together with law enforcement and community leaders, DPS drafted a comprehensive 10-point strategy to accelerate progress in the organization of state law enforcement operations, modernizing our data collection and reporting technology; expanding alternative crisis response methodologies such as field mental health workers; providing enhanced statewide model policies in key areas, including use of force; modernizing hiring practices, training and supervisor selection; and developing community oversight models; and

WHEREAS, the goals of law enforcement modernization and reform and optimal government efficacy require a stronger and more direct alignment of State government law enforcement services, officer and executive training, recruitment and policy development and implementation; and

WHEREAS, dispatch services provided through the 911 Board and uniform law enforcement training and centralized reporting and investigations of conduct by the Vermont Criminal Justice Council can be more efficiently and cost-effectively supported and administered as part of an Agency of Public Safety, where additional opportunities for modernizing, reforming and standardizing service to Vermonters will be created; and

WHEREAS, the State could improve and more efficiently deliver law enforcement and emergency response services to the public through the

reorganization of the Department of Public Safety into a single Agency of Public Safety; and

WHEREAS, the intent of this Executive Order is to provide a framework for the creation of an Agency of Public Safety within which the Executive and Legislative Branches can work together to establish mutually agreeable policy, structure and timeframes.

NOW THEREFORE, I, Philip B. Scott, by virtue of the authority vested in me as Governor of Vermont by the Constitution of the State of Vermont, Chapter II, Section 3, 3 V.S.A. § 209, 3 V.S.A. Chapter 41, 23 V.S.A. § 1 and 32 V.S.A. § 704a, do hereby create an Agency of Public Safety which shall be successor to the Department of Public Safety as follows:

1. The Agency of Public Safety is hereby created to directly align State government emergency management, fire safety, and law enforcement services, including emergency services, communications, technology and procurements, officer and executive training, recruitment and policy development and implementation.
2. All duties, obligations, responsibilities and authority, including all contracts, grant agreements, service level agreements and MOUs of the Department of Public Safety are hereby transferred to the Agency of Public Safety.
3. All financial assets and liabilities, including all appropriations associated with the positions transferred pursuant to paragraph 4 below, of the Department of Public Safety are hereby transferred to the Agency of Public Safety.
4. All authorized positions, functions, equipment, supplies and inventory of the Department of Public Safety are transferred to the Agency of Public Safety.
5. The positions of Commissioner of the Department of Public Safety and Deputy Commissioner of the Department of Public Safety are abolished and all the duties, responsibilities, and authority, including board, committee and council memberships, of the Commissioner and the Deputy Commissioner are hereby transferred to the Secretary of the Agency of Public Safety and the Deputy Secretary of the Agency of Public Safety, respectively.

6. The Secretary shall be responsible to the Governor and shall plan, coordinate and direct the functions vested in the Agency. The Secretary shall prepare and submit to the Governor an annual budget for the Agency.
7. Effective April 15, 2021, the Agency of Public Safety shall be headed by the Secretary appointed by the Governor with the advice and consent of the Senate.
8. Effective April 15, 2021, the Secretary of the Agency of Public Safety may appoint a Deputy Secretary, with the approval of the Governor, who shall be exempt from the classified service.
9. Effective April 15, 2021, the Agency of Public Safety shall consist of a Department of Fire Safety and Emergency Management, a Department of Law Enforcement and a Division of Support Services, as follows:
 - A. The Department of Fire Safety and Emergency Management shall be headed by a Commissioner of Fire Safety and Emergency Management appointed by the Secretary with the approval of the Governor. The Department of Fire Safety and Emergency Management shall be organized into four (4) Divisions, each reporting to the Commissioner of Fire Safety and Emergency Management:
 - 1) Homeland Security and Emergency Management;
 - 2) Inspection Division;
 - 3) Fire Safety Division
 - a) Investigation Unit
 - b) Prevention & Safety Unit; and
 - 4) Technical Response Unit
 - a) HazMat Team
 - b) USAR/Swiftwater Team.
 - B. The Department of Law Enforcement shall be headed by a Commissioner of Law Enforcement appointed by the Secretary with the approval of the Governor. Under this structure, the certified law enforcement officers serving in existing state government enforcement divisions shall serve under a single Agency and Department to ensure consistency of recruitment and hiring practices, training, policy application and adherence,

internal investigation and discipline. The Department of Law Enforcement shall initially be organized into two (2) Divisions which shall report to the Commissioner of Law Enforcement, as follows:

- 1) Motor Vehicle Enforcement; and
- 2) Vermont State Police.

C. The Division of Support Services shall report directly to the Deputy Secretary of the Agency of Public Safety. The Division of Support Services shall be organized into the following operational units:

- 1) Administrative Division;
- 2) Communications Division – E-911, PSAPs, Radio Technology Unit;
- 3) Fleet Services Division;
- 4) Forensic Lab Division;
- 5) Training Division, which shall include the Fire Safety Training Council the Criminal Justice Council and the State fire and police training facilities; and
- 6) VT Crime Information Center, including the Sex Offender Registry.

The Commissioner of the Department of Fire Safety and Emergency Management and the Commissioner of Law Enforcement shall be exempt from the classified service.

10. As of April 15, 2021, the provisions of Title 20, and all other provisions of law referencing the Department of Public Safety or the Commissioner of Public Safety and the rules, policies and procedures of the Department of Public Safety shall be deemed to refer to and shall be applicable to the Agency of Public Safety and the Secretary of the Agency of Public Safety.

Criminal Justice Council

11. As of July 1, 2021, all duties, obligations, responsibilities and authority of the Criminal Justice Council under Title 20 Vermont Statutes Annotated, Chapter 151, including all contracts, grant agreements, service level agreements and MOUs of the Criminal Justice Council are hereby transferred to the Agency of Public Safety.

12. Notwithstanding the foregoing or anything to the contrary in this Executive Order, the Criminal Justice Council shall be the agency charged with carrying out the purposes of 20 V.S.A. § 2351(b) and all other duties, responsibilities and authority under Title 20 Vermont Statutes Annotated, Chapter 151.
13. As of July 1, 2021, all financial assets and liabilities of the Criminal Justice Council, including all appropriations associated with the positions transferred pursuant to paragraph 14 below, shall transfer to the Agency of Public Safety.
14. As of July 1, 2021, all authorized positions and equipment, supplies and inventory of the Criminal Justice Council are transferred to the Agency of Public Safety.
15. As of July 1, 2021, the Criminal Justice Council shall have the administrative, technical, and legal assistance of the Agency of Public Safety and may request the assistance of any Executive Branch Agency.
16. As of July 1, 2021, the Executive Director of the Criminal Justice Council shall be appointed by the Secretary of the Agency of Public Safety in consultation with the Criminal Justice Council, and subject to the approval of the Governor. The Executive Director of the Criminal Justice Council may appoint officers, employees, agents and consultants as he or she may deem necessary and prescribe their duties in consultation with the Criminal Justice Council, with the approval of the Secretary of the Agency of Public Safety.
17. As of July 1, 2021, in addition to the other duties imposed by law, the Executive Director shall perform such duties as may be assigned by the Council; provided, however, the Executive Director shall perform such administrative duties as may be assigned by the Secretary as required for the effective administration of the Council.
18. As of July 1, 2021, the rules of the Criminal Justice Council effective as of July 1, 2021 shall become a subtitle under the rules of the Agency of Public Safety, like the rules of the Vermont Fire Service Training Council.
19. Prior to April 15, 2021, the Commissioner of the Department of Public Safety shall consult with leadership of the General Assembly

as well as the House and Senate Operations and Judiciary Committees on implementation of this Executive Order.

20. On or before November 15, 2021, the Secretary of the Agency of Public Safety shall report to the Governor, the leadership of the General Assembly and the House and Senate Operations and Judiciary Committees on the status of the organizational transition and recommend any legislative changes needed to continue an orderly and efficient organizational transition in accordance with this Executive Order.

Vermont Enhanced 911 Board

21. On such date as may be agreed by the General Assembly, but no later than July 1, 2022, all duties, obligations, responsibilities and authority of the Vermont Enhanced 911 Board (“911 Board”) under Title 30 Vermont Statutes Annotated, Chapter 87 and applicable rules, including all contracts, grant agreements, service level agreements and MOUs of the 911 Board shall be transferred to the Agency of Public Safety, Division of Operations.
22. Notwithstanding the foregoing or anything to the contrary in this Executive Order, the 911 Board shall be the agency charged with carrying out the duties, obligations, responsibilities and authority of Vermont Statutes Annotated, Title 30 Chapter 87.
23. Upon the transfer of the 911 Board in accordance with Section 21 above, all financial assets and liabilities of the 911 Board, including all appropriations associated with the positions transferred pursuant to paragraph 24 below, are hereby transferred to the Agency of Public Safety.
24. Upon the transfer of the 911 Board in accordance with Section 21 above, all authorized positions, functions, equipment supplies and inventory of the 911 Board are transferred to the Agency of Public Safety.
25. Upon the transfer of the 911 Board in accordance with Section 21 above, the 911 Board shall have the administrative, technical, and legal assistance of the Agency of Public Safety and may request the assistance of any Executive Branch Agency.

26. Upon the transfer of the 911 Board in accordance with Section 21 above, the Executive Director of the 911 Board shall be appointed by the Secretary of the Agency of Public Safety in consultation with the 911 Board, and subject to the approval of the Governor. The Executive Director of the 911 Board may appoint officers, employees, agents and consultants as he or she may deem necessary and prescribe their duties in consultation with the 911 Board, with the approval of the Secretary of the Agency of Public Safety.
27. Upon the transfer of the 911 Board in accordance with Section 21 above, in addition to the other duties imposed by law, the Executive Director shall perform such duties as may be assigned by the 911-Board; provided, however, the Executive Director shall perform such administrative duties as may be assigned by the Secretary as required for the effective administration of the 911 Board.
28. Upon the transfer of the 911 Board in accordance with Section 21 above, the rules of the 911 Board effective as of that date shall become a subtitle under the rules of the Agency of Public Safety.

Motor Vehicle Enforcement Officers

29. In accordance with 23 V.S.A. § 1, no later than July 1, 2022, all duties, obligations, responsibilities and authority of the certified law enforcement officers in the Department of Motor Vehicles (“DMV”) Enforcement Division under Title 19 and Title 23 Vermont Statutes Annotated, Chapter 15 and applicable rules, are hereby transferred to the Agency of Public Safety, Department of Law Enforcement, Division of Motor Vehicle Enforcement.
30. Upon the transfer of the DMV Enforcement Division in accordance with Section 29 above, all financial assets and liabilities of the DMV Enforcement Division, including all appropriations associated with the positions transferred pursuant to paragraph 31 below, are hereby transferred to the Agency of Public Safety, Department of Law Enforcement, Division of Motor Vehicle Enforcement.
31. Upon the transfer of the DMV Enforcement Division in accordance with Section 29 above, all authorized positions, functions, equipment, supplies and inventory of the DMV Enforcement Division, including all sworn officers, are transferred to the Agency of Public Safety

Department of Law Enforcement, Division of Motor Vehicle Enforcement.

32. Upon the transfer of the DMV Enforcement Division in accordance with Section 29 above, the chief executive officer (Director) of the Department of Law Enforcement, Division of Motor Vehicle Enforcement shall be appointed by the Secretary of the Agency of Public Safety, subject to the approval of the Governor. The chief executive officer shall be an exempt state employee and shall serve at the pleasure of the Secretary.
33. Upon the transfer of the DMV Enforcement Division in accordance with Section 29 above, the rules of the Agency of Transportation and DMV relating to the responsibilities and duties of enforcement officers effective as of that date shall be the rules of the Agency of Public Safety.
34. The Secretary of Public Safety, with the approval of the Secretary of Administration, shall determine the physical locations of the Departments and Divisions of the Agency of Public Safety.
35. The Secretary of the Agency of Public Safety shall further study the effectiveness, efficiency and delivery of State public safety law enforcement services and shall report to the Governor and the General Assembly on or before October 15, 2022 on the feasibility and advisability of transferring the operations of the Department of Fish and Wildlife certified law enforcement officers, Department of Liquor and Lottery certified law enforcement officers, the Capitol Police and the Department of Labor relating to V.O.S.H.A., Project WorkSAFE and Passenger Tramway Safety to the Agency of Public Safety.
36. On or before November 15, 2022, the Secretary of the Agency of Public Safety shall report to the Governor, the leadership of the General Assembly and the House and Senate Operations and Judiciary Committees on the status of the organizational transition and recommend any legislative changes needed to continue an orderly and efficient organizational transition in accordance with this Executive Order.
37. The Secretary of the Agency of Public Safety shall be a member of the Governor's Cabinet which shall consist of the Secretaries of the

agencies as are created by law, as well as such Commissioners of the departments created by law as the Governor, in his judgment, shall appoint to be a member of the Cabinet.

This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002 and shall take effect on April 15, 2021, unless disapproved by both houses of the General Assembly.

WITNESS my name hereunto subscribed
and the Great Seal of the State of Vermont
hereunto affixed at Montpelier this 14th day of January, 2021.

/s/ Philip B. Scott
Governor

Executive Order Referred to Committee

The Speaker placed before the House Executive Order No.02-21, which was read and referred to the Committee on Natural Resources, Fish, and Wildlife.

STATE OF VERMONT EXECUTIVE DEPARTMENT EXECUTIVE ORDER NO. 02-21

[Reorganization of the Natural Resources Board]

WHEREAS, the Governor, pursuant to the Vermont Constitution Chapter II, Section 3 and 3 V.S.A. Section 2001 and Section 2002, may make such changes in the organization of the Executive Branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

WHEREAS, the Constitution of Vermont, Chapter II, Section 6 provides that no bill, resolution or other thing which shall have been passed by one house of the General Assembly shall have the effect of or be declared to be a law without the concurrence of the other, ensuring no action by a single house, committee or agent of the General Assembly may be binding on the Executive Branch; and

WHEREAS, any organizational changes made by the Governor, pursuant to 3 V.S.A. Section 2001 and Section 2002, shall be subject to disapproval by both houses of the General Assembly; and

WHEREAS, it is desirable to reorganize the agencies, departments and divisions of government by better coordinating certain activities and improving the coordination and effectiveness of services to the public; and

WHEREAS, Act 250 has operated under the same administrative structure for over fifty years, consisting of District Environmental Commissions (“District Commissions”), administrative tribunals comprised of three volunteer members of the public, operating independently in 9 regions of the State; and

WHEREAS, from 1970 through 2004, the former Environmental Board oversaw the operations of the District Commissions and established policy precedents across the Act 250 enterprise through the issuance of decisions in appeals of Act 250 permits; and

WHEREAS, when the Natural Resources Board replaced the Environmental Board in 2004, the Natural Resources Board did not retain its ability to compel consistent application of policy and law across the nine District Commissions through the issuance of decisions in Act 250 appeals; and

WHEREAS, while Act 250 has served Vermont well, the scope and complexity of environmental, planning, and regulatory issues District Commission must consider has expanded significantly since 1970; and

WHEREAS, with complex emerging issues such as climate change, the interplay between Act 250 and other state and municipal regulatory programs, demographic challenges, and the growing economic divide between the rural and urban parts of our state, and with a current governance structure that lacks a unifying policy authority across the nine districts, restructuring Act 250 presents an opportunity to maximize natural resource protections, enable well planned growth, increase predictability and reduce redundancy with other state regulatory programs; and

WHEREAS, a professional Natural Resources Board that decides major cases will have the capacity to consider and manage complex issues now and into the future, and, through their Orders, will establish precedent and policy resulting in the consistent application of Act 250 criteria statewide; and

WHEREAS, in each proceeding of the restructured Natural Resources Board, two members from the District Commission from the District where the proposed project is located will sit with the Natural Resources Board so regional considerations will continue to inform Act 250 decisions.

NOW THEREFORE, by virtue of the authority vested in me as Governor by the Constitution of the State of Vermont, Chapter II, Section 3 and Section 20, 3 V.S.A. chapter 41 and 32 V.S.A. § 704a, I, Philip B. Scott, do hereby reorganize the Natural Resources Board and its District Commissions as follows:

1. As of July 1, 2021, a restructured Natural Resources Board made up of three full-time professional members is hereby created to professionalize and modernize the current governance structure, to unify policy authority across the nine District Commissions, to maximize natural resource protections, to enable well-planned growth, to increase predictability and uniformity and reduce redundancy and inconsistency with other state regulatory programs.
2. As of July 1, 2021, the Natural Resources Board created in 10 V.S.A. § 6021 consisting of five members appointed by the Governor (the “Original Board”) is hereby abolished and all the duties, responsibilities and authority of the Original Board are hereby transferred to a reconstituted Natural Resources Board made up of three full time professional members as established in Section 3 below.
3. As of July 1, 2021, the Natural Resources Board shall consist of three full-time professional voting members which shall have all the duties, responsibilities, and authority of the Original Board and such duties, responsibilities and authority as set forth in this Order.

The members shall include a Chair and two additional members who shall be appointed by the Governor with the advice and consent of the Senate. In making these appointments, the Governor and the Senate shall give consideration to experience, expertise or skills relating to the environment or land use, as well as geographic, gender, ethnic and racial diversity. Following initial appointments, the three members shall serve six-year staggered terms.

Initial appointments shall be made prior to July 1, 2021. For initial appointments, the Chair shall be appointed to a six-year term, one member shall be appointed to a four-year term and the third member shall be appointed to a two-year term. Each of the three members shall be a full-time employees, exempt from the classified service, serving at the pleasure of the Governor.

When a particular application comes before the Board, two members from the District Commission from the District where an application being reviewed was located shall become voting

-
- members of the Board solely with respect to that matter. The two District Commission members shall be selected by the applicable Chair of the District Commission.
4. As of July 1, 2021, the authority of each of the District Commissions in 10 V.S.A. § 1084(b), to determine whether a complete application shall be processed as a major application with a required public hearing or a minor application, shall be transferred to the Natural Resources Board, acting without District Commissioners.
 5. As of July 1, 2021, the authority of each of the District Commissions to determine whether to issue an administrative amendment shall be transferred to the Natural Resources Board, acting without District Commissioners.
 6. As of July 1, 2021, all authority of each of the District Commissions in Title 10 relating to any application determined to be a major application or a minor application where a hearing is requested, shall be transferred to the Natural Resources Board.
 7. As of July 1, 2021, the provisions of Title 10 and the rules, policies and procedures of the Natural Resources Board relating to applications determined to be major applications or minor applications where a hearing is requested shall be deemed to refer to and shall be applicable to the Natural Resources Board.
 8. An applicant who has received a Jurisdictional Opinion from a District Coordinator may, within 30 days from the issuance of the opinion, request reconsideration of the Jurisdictional Opinion by the Natural Resources Board, acting without the District Commissioners.
 9. All complete applications filed with a District Commission prior to July 1, 2021 shall remain under the jurisdiction of the applicable District Commission until resolution of the application.

This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002. This Executive Order shall take effect on April 15, 2021, unless disapproved by both houses of the General Assembly.

WITNESS my name hereunto subscribed
and the Great Seal of the State of Vermont
hereunto affixed at Montpelier this 14th day of January, 2021.

/s/Philip B. Scott
Governor

Joint Resolution Placed on Calendar

J.R.S. 9

By Senator Kitchel,

J.R.S. 9. 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 Thursday, January 21, 2021, at two o'clock in the afternoon to receive the budget message of the Governor, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically.

Was read and, in the Speaker's discretion, placed on the Calendar for Action on the next legislative day under Rule 52.

Adjournment

At nine o'clock and forty-one minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 19, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 8.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House.

H.C.R. 1

House concurrent resolution congratulating the 2020 Bellows Falls Union High School Terriers Division I championship field hockey team

H.C.R. 2

House concurrent resolution honoring Alice Wolf Gilborn of Dorset for her outstanding literary achievements

H.C.R. 3

House concurrent resolution congratulating the 2020 Bellows Falls Union High School Terriers girls' cross-country team on winning its third consecutive Division III championship

H.C.R. 4

House concurrent resolution honoring Kate O'Connor of Brattleboro for her superb leadership in the public and nonprofit sectors

H.C.R. 5

House concurrent resolution honoring Ursula Dalem for her exemplary proprietorship of the Dalem Chalet in Brattleboro

H.C.R. 6

House concurrent resolution designating January 2021 as School Board Recognition Month 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 2021, seventy-sixth Biennial session.]

Tuesday, January 19, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Lippert of Hinesburg.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 8

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 passed Senate bill of the following title:

S. 9. An act relating to extending certain workers' compensation amendments related to COVID-19.

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. 1. House concurrent resolution congratulating the 2020 Bellows Falls Union High School Terriers Division I championship field hockey team.

H.C.R. 2. House concurrent resolution honoring Alice Wolf Gilborn of Dorset for her outstanding literary achievements.

H.C.R. 3. House concurrent resolution congratulating the 2020 Bellows Falls Union High School Terriers girls' cross-country team on winning its third consecutive Division III championship.

H.C.R. 4. House concurrent resolution honoring Kate O'Connor of Brattleboro for her superb leadership in the public and nonprofit sectors.

H.C.R. 5. House concurrent resolution honoring Ursula Dalem for her exemplary proprietorship of the Dalem Chalet in Brattleboro.

H.C.R. 6. House concurrent resolution designating January 2021 as School Board Recognition Month in Vermont.

House Bills Introduced

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

H. 87

By Rep. Notte of Rutland City,

House bill, entitled

An act relating to establishing a classification system for criminal offenses

To the Committee on Judiciary.

H. 88

By Reps. Durfee of Shaftsbury, O'Brien of Tunbridge, and Surprenant of Barnard,

House bill, entitled

An act relating to certification of agricultural use for purposes of the use value appraisal program

To the Committee on Agriculture and Forestry.

Senate Bill Referred**S. 9**

Senate bill, entitled

An act relating to extending certain workers' compensation amendments related to COVID-19

Was read and referred to the Committee on Commerce and Economic Development.

Joint Resolution Adopted in Concurrence with Proposal of Amendment**J.R.S. 9**

J.R.S. 9. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Having appeared on the Calendar for Action, was taken up.

Pending the question, Shall the House adopt the resolution in concurrence?, **Reps. Long of Newfane, McCoy of Poultney, and Colburn of Burlington** moved that the House propose to the Senate to amend the bill as follows:

In the first Resolved clause, following "That the two Houses meet in Joint Assembly on" by striking out "Thursday, January 21, 2021, at two o'clock" and inserting in lieu thereof "Tuesday, January 26, 2021, at one o'clock"

Which was agreed to. Thereupon, the resolution was adopted in concurrence with proposal of amendment.

House Discrimination Prevention Panel Announced

Pursuant to House Rule 90(a), the House Rules Committee appointed the following members to the House Discrimination Prevention Panel:

Rep. Cordes of Lincoln

Rep. Mattos of Milton

Rep. Pajala of Londonderry

Rep. Redmond of Essex

Rep. Small of Winooski

House Ethics Panel Announced

Pursuant to House Rule 90(b), the House Rules Committee appointed the following members to the House Ethics Panel:

Rep. Cina of Burlington

Rep. Cupoli of Rutland City

Rep. Gannon of Wilmington

Rep. Jessup of Middlesex

Rep. Sibilias of Dover

House Sexual Harassment Prevention Panel Announced

Pursuant to House Rule 90(c), the House Rules Committee appointed the following members to the House Sexual Harassment Prevention Panel:

Rep. Bluemle of Burlington

Rep. Burke of Brattleboro

Rep. Feltus of Lyndon

Rep. McCoy of Poultney

Rep. Mrowicki of Putney

Adjournment

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

Wednesday, January 20, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Dolan of Waitsfield.

Message from the Senate No. 9

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. 10. Joint resolution relating to weekend adjournment.

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

Message from 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 nineteenth day of January, 2021, he signed a bill originating in the House of the following title:

H. 48 An act relating to authorizing alternative procedures for 2021 annual municipal meetings in response to COVID-19

House Bills Introduced

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

H. 89

By Reps. Yantachka of Charlotte, Batchelor of Derby, Bluemle of Burlington, Brady of Williston, Brumsted of Shelburne, Campbell of St. Johnsbury, Christie of Hartford, Coffey of Guilford, Dolan of Waitsfield, Goslant of Northfield, Graham of Williamstown, Gregoire of Fairfield, Hango of Berkshire, Higley of Lowell, Hooper of Burlington, James of Manchester, Killacky of South Burlington, Lefebvre of Newark, Lefebvre of Orange, Leffler of Enosburgh, Martel of Waterford, McCullough of Williston, Morgan, L. of Milton, Morgan, M. of Milton, Mrowicki of Putney, Norris of Shoreham, Ode of Burlington, Palasik of Milton, Patt of Worcester, Pearl of Danville, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Sims of Craftsbury, Smith of Derby, Smith of New Haven, Stebbins of Burlington, Strong of Albany, Surprenant of Barnard, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, White of Bethel, and Wood of Waterbury,

House bill, entitled

An act relating to limiting liability for agritourism

To the Committee on Agriculture and Forestry.

H. 90

By Rep. Till of Jericho,

House bill, entitled

An act relating to banning baby bumper pads

To the Committee on Human Services.

H. 91

By Reps. Christie of Hartford, Anthony of Barre City, Burrows of West Windsor, Campbell of St. Johnsbury, Feltus of Lyndon, Houghton of Essex, Notte of Rutland City, Savage of Swanton, Scheuermann of Stowe, Sims of Craftsbury, Sullivan of Dorset, Walz of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to the suspension and review of the statewide finance and financial data management system

To the Committee on Education.

H. 92

By Reps. Smith of Derby, Batchelor of Derby, Brennan of Colchester, Graham of Williamstown, Helm of Fair Haven, Higley of Lowell, Martel of Waterford, and Peterson of Clarendon,

House bill, entitled

An act relating to prohibiting flags other than the U.S. flag and State of Vermont flag from being flown on public school property in Vermont

To the Committee on Education.

H. 93

By Reps. Killacky of South Burlington, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Colston of Winooski, Cordes of Lincoln, Kornheiser of Brattleboro, Rachelson of Burlington, Small of Winooski, Stevens of Waterbury, Surprenant of Barnard, Troiano of Stannard, Walz of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to establishing a homeless bill of rights and prohibiting discrimination against people without homes

To the Committee on General, Housing, and Military Affairs.

H. 94

By Reps. McCormack of Burlington, Burke of Brattleboro, White of Hartford, Stebbins of Burlington, Bartholomew of Hartland, Long of Newfane, McCarthy of St. Albans City, Redmond of Essex, LaLonde of South Burlington, Colburn of Burlington, Anthony of Barre City, Arrison of Weathersfield, Austin of Colchester, Birong of Vergennes, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Brady of

Williston, Briglin of Thetford, Brown of Richmond, Brumsted of Shelburne, Burrows of West Windsor, Campbell of St. Johnsbury, Chase of Colchester, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colston of Winooski, Conlon of Cornwall, Copeland Hanzas of Bradford, Cordes of Lincoln, Dolan of Waitsfield, Donnally of Hyde Park, Durfee of Shaftsbury, Elder of Starksboro, Goldman of Rockingham, Grad of Moretown, Hooper of Randolph, Hooper of Burlington, Houghton of Essex, Howard of Rutland City, James of Manchester, Jerome of Brandon, Jessup of Middlesex, Killacky of South Burlington, Lippert of Hinesburg, Masland of Thetford, McCullough of Williston, Morris of Springfield, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Ode of Burlington, Patt of Worcester, Rachelson of Burlington, Scheu of Middlebury, Sheldon of Middlebury, Sims of Craftsbury, Small of Winooski, Squirrell of Underhill, Surprenant of Barnard, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Vyhovsky of Essex, Walz of Barre City, Webb of Shelburne, White of Bethel, Yacovone of Morristown, and Yantachka of Charlotte,

House bill, entitled

An act relating to transportation initiatives to reduce carbon emissions

To the Committee on Transportation.

H. 95

By Reps. Redmond of Essex, Black of Essex, and Vyhovsky of Essex

House bill, entitled

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

To the Committee on Government Operations.

H. 96

By Reps. Christie of Hartford, Colston of Winooski, Stevens of Waterbury, Cina of Burlington, Copeland Hanzas of Bradford, LaClair of Barre Town, LaLonde of South Burlington, Lippert of Hinesburg, Long of Newfane, and Redmond of Essex,

House bill, entitled

An act relating to creating the Truth and Reconciliation Commission Development Task Force

To the Committee on General, Housing, and Military Affairs.

H. 97

By Reps. Jessup of Middlesex, Kornheiser of Brattleboro, Ode of

Burlington, Bluemle of Burlington, Brumsted of Shelburne, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colston of Winooski, Cordes of Lincoln, Hooper of Burlington, Houghton of Essex, Howard of Rutland City, James of Manchester, Masland of Thetford, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Patt of Worcester, Scheu of Middlebury, Squirrell of Underhill, Surprenant of Barnard, Toleno of Brattleboro, Townsend of South Burlington, Vyhovsky of Essex, Wood of Waterbury, and Yantachka of Charlotte,

House bill, entitled

An act relating to miscellaneous unemployment insurance amendments

To the Committee on Commerce and Economic Development.

H. 98

By Rep. Howard of Rutland City,

House bill, entitled

An act relating to the creation of the Vermont State Building Security Board

To the Committee on Corrections and Institutions.

H. 99

By Rep. Houghton of Essex,

House bill, entitled

An act relating to relating to Vermont's adoption of the interstate Nurse Licensure Compact

To the Committee on Government Operations.

H. 100

By Reps. Copeland Hanzas of Bradford, Ancel of Calais, Grad of Moretown, and Webb of Shelburne,

House bill, entitled

An act relating to electric bicycles

To the Committee on Transportation.

H. 101

By Reps. Austin of Colchester and Jerome of Brandon,

House bill, entitled

An act relating to the implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy

support for all students with measurable outcomes

To the Committee on Education.

H. 102

By Reps. Rogers of Waterville and Houghton of Essex,
House bill, entitled

An act relating to reducing prior authorization requirements in health insurance plans

To the Committee on Health Care.

H. 103

By Rep. Yacovone of Morristown,
House bill, entitled

An act relating to an independent review of Vermont's current health care reform efforts

To the Committee on Health Care.

Joint Resolution Adopted in Concurrence

J.R.S. 10

By Senator Balint,

J.R.S. 10. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 22, 2021, it be to meet again no later than Tuesday, January 26, 2021.

Was taken up, read, and adopted in concurrence.

Adjournment

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

Thursday, January 21, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Elder of Starksboro.

House Bills Introduced

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

H. 104

By Reps. Durfee of Shaftsbury and Houghton of Essex,
House bill, entitled

An act relating to allowing certain licensed out-of-state mental health professionals to treat Vermont patients using telemedicine

To the Committee on Health Care.

H. 105

By Rep. Till of Jericho,
House bill, entitled

An act relating to increasing the tobacco tax on cigarettes, other tobacco products, snuff, and new smokeless tobacco

To the Committee on Ways and Means.

H. 106

By Reps. James of Manchester, Anthony of Barre City, Austin of Colchester, Bongartz of Manchester, Bos-Lun of Westminster, Brady of Williston, Brown of Richmond, Brumsted of Shelburne, Burke of Brattleboro, Chase of Colchester, Christie of Hartford, Coffey of Guilford, Durfee of Shaftsbury, Elder of Starksboro, Hooper of Burlington, Houghton of Essex, Jerome of Brandon, Kornheiser of Brattleboro, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Sims of Craftsbury, Stebbins of Burlington, Townsend of South Burlington, Troiano of Stannard, Vyhovsky of Essex, Webb of Shelburne, White of Bethel, and Yantachka of Charlotte,

House bill, entitled

An act relating to equitable access to a high-quality education through community schools

To the Committee on Education.

H. 107

By Reps. Till of Jericho, Anthony of Barre City, Bluemle of Burlington, Cordes of Lincoln, Morgan, L. of Milton, Mrowicki of Putney, Sullivan of Dorset, and Yantachka of Charlotte,

House bill, entitled

An act relating to coverage of fertility preservation for individuals diagnosed with cancer

To the Committee on Health Care.

H. 108

By Reps. Cordes of Lincoln, Dolan of Essex Junction, Sheldon of Middlebury, and Squirrell of Underhill,

House bill, entitled

An act relating to Vermont standards for issuing a Clean Water Act section 401 certification

To the Committee on Natural Resources, Fish, and Wildlife.

H. 109

By Rep. Sullivan of Dorset,

House bill, entitled

An act relating to parking ticket enforcement

To the Committee on Transportation.

**Second Reading; Proposal of Amendment Agreed To;
Third Reading Ordered; Rules Suspended; Third Reading; Bill Passed;
Rules Suspended; Bill Messaged to Senate Forthwith**

S. 9

Rep. Kitzmiller of Montpelier, for the Committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to extending certain workers' compensation amendments related to COVID-19

Reported in favor of its passage.

Pending the question, Shall the bill be read a third time?, **Rep. Kitzmiller of Montpelier** moved to propose to the Senate to amend the bill as follows:

In Sec. 5, effective date, by striking out "1, 2, and 3" and inserting in lieu thereof "2, 3, and 4"

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, proposal of amendment 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. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

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

Adjournment

At one o'clock and fifty 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 22, 2021

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. Achey of Middletown Springs.

Message from the Senate No. 10

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 considered House proposal of amendment to Senate joint resolution of the following title:

J.R.S. 9. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

And has concurred therein.

House Bills Introduced

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

H. 110

By Reps. Mrowicki of Putney, Till of Jericho, Ancel of Calais, Anthony of Barre City, Black of Essex, Bluemle of Burlington, Brady of Williston, Briglin of Thetford, Brumsted of Shelburne, Colston of Winooski, Dolan of Essex, Goldman of Rockingham, Hooper of Burlington, Houghton of Essex, Kitzmiller of Montpelier, Masland of Thetford, Squirrell of Underhill, Stebbins of Burlington, Townsend of South Burlington, Walz of Barre City, Wood of Waterbury, and Yantachka of Charlotte,

House bill, entitled

An act relating to a 48-hour waiting period for firearms transfers

To the Committee on Judiciary.

H. 111

By Reps. Savage of Swanton, Batchelor of Derby, Graham of Williamstown, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Kitzmiller of Montpelier, Lefebvre of Orange, Martin of Franklin, Page of Newport City, Peterson of Clarendon, and Sullivan of Dorset,

House bill, entitled

An act relating to prohibiting good time sentence reductions for offenses that cause death or serious bodily injury

To the Committee on Corrections and Institutions.

H. 112

By Reps. Yacovone of Morrystown and Patt of Worcester,

House bill, entitled

An act relating to raising the jurisdictional limit for small claims actions

To the Committee on Judiciary.

H. 113

By Rep. Troiano of Stannard,

House bill, entitled

An act relating to exempting kinship care payments from taxation

To the Committee on Ways and Means.

H. 114

By Reps. Wood of Waterbury and Noyes of Wolcott,

House bill, entitled

An act relating to the Nutrition for Older Vermonters Working Group

To the Committee on Human Services.

Adjournment

At nine and thirty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 26, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 10.

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 Joint Rules of the Senate and House of Representatives, is hereby adopted on the part of the House.

H.C.R. 7

House concurrent resolution designating January 27, 2021 as Homelessness Awareness Day in Vermont

[The full text of the concurrent resolution appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2021, seventy-sixth Biennial session.]

Tuesday, January 26, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Burrows of West Windsor.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 11

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 passed Senate bill of the following title:

S. 36. An act relating to modifications to the use of certain Coronavirus Relief Fund appropriations.

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

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 9. An act relating to extending certain workers' compensation amendments related to COVID-19.

And has concurred therein.

The Senate has on its part adopted concurrent resolution originating in the House of the following title:

H.C.R. 7. House concurrent resolution designating January 27, 2021 as Homelessness Awareness Day in Vermont.

Message from the Senate No. 12

A message was received from the Senate by Mr. Marshall, 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. 14. An act relating to deed restrictions and housing density.

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. 11. Joint resolution relating to weekend adjournment.

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

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. 115

By Reps. Stebbins of Burlington, Cordes of Lincoln, Ode of Burlington, Patt of Worcester, Squirrell of Underhill, Townsend of South Burlington, Walz of Barre City, White of Hartford, and Yantachka of Charlotte,

House bill, entitled

An act relating to household products containing hazardous substances

To the Committee on Natural Resources, Fish, and Wildlife.

H. 116

By Reps. Durfee of Shaftsbury, Cina of Burlington, Ancel of Calais, Arrison of Weathersfield, Birong of Vergennes, Coffey of Guilford, Cordes of Lincoln, Donnally of Hyde Park, Killacky of South Burlington, Kitzmiller of Montpelier, Masland of Thetford, Mrowicki of Putney, Pugh of South Burlington, Stebbins of Burlington, Townsend of South Burlington, Troiano of Stannard, White of Hartford, and Wood of Waterbury,

House bill, entitled

An act relating to prohibiting the involuntary sterilization of individuals with an intellectual disability

To the Committee on Human Services.

H. 117

By Reps. Beck of St. Johnsbury, Anthony of Barre City, Campbell of St. Johnsbury, Mattos of Milton, Page of Newport City, Shaw of Pittsford, and Till of Jericho,

House bill, entitled

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

To the Committee on Commerce and Economic Development.

H. 118

By Rep. Sullivan of Dorset,

House bill, entitled

An act relating to enhanced mental health supports and services for professionals in the medical, legal, and accounting fields

To the Committee on Health Care.

H. 119

By Reps. Beck of St. Johnsbury, Canfield of Fair Haven, McCoy of Poultney, and Page of Newport City,

House bill, entitled

An act relating to a new State Employees' Retirement System and State Teachers' Retirement System

To the Committee on Government Operations.

H. 120

By Reps. Sheldon of Middlebury, McCullough of Williston, and Dolan of Waitsfield,

House bill, entitled

An act relating to updates to Act 250

To the Committee on Natural Resources, Fish, and Wildlife.

H. 121

By Reps. Rogers of Waterville, Elder of Starksboro, Kornheiser of Brattleboro, and Wood of Waterbury,

House bill, entitled

An act relating to licensure of freestanding birth centers

To the Committee on Health Care.

H. 122

By Reps. Gannon of Wilmington and LaClair of Barre Town,

House bill, entitled

An act relating to boards and commissions

To the Committee on Government Operations.

H. 123

By Rep. Beck of St. Johnsbury,

House bill, entitled

An act relating to a vehicle miles traveled tax for plug-in electric vehicles

To the Committee on Transportation.

H. 124

By Reps. Ancel of Calais, Kornheiser of Brattleboro, Anthony of Barre

City, Bluemle of Burlington, Brumsted of Shelburne, Coffey of Guilford, Colburn of Burlington, Conlon of Cornwall, Cordes of Lincoln, Hooper of Burlington, Howard of Rutland City, Masland of Thetford, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Ode of Burlington, Patt of Worcester, Squirrell of Underhill, Stebbins of Burlington, Stevens of Waterbury, Surprenant of Barnard, Townsend of South Burlington, and White of Bethel,

House bill, entitled

An act relating to amending the Vermont Employment Growth Incentive Program

To the Committee on Commerce and Economic Development.

H. 125

By Rep. Yantachka of Charlotte,

House bill, entitled

An act relating to motor vehicle lease buyouts and registration fee refunds

To the Committee on Transportation.

H. 126

By Reps. Dolan of Waitsfield, Anthony of Barre City, Arrison of Weathersfield, Bongartz of Manchester, Burrows of West Windsor, Campbell of St. Johnsbury, Coffey of Guilford, Elder of Starksboro, Grad of Moretown, Houghton of Essex, James of Manchester, Mrowicki of Putney, Ode of Burlington, Townsend of South Burlington, and Yantachka of Charlotte,

House bill, entitled

An act relating to pedestrian safety

To the Committee on Transportation.

H. 127

By Reps. LaClair 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.

H. 128

By Reps. Cordes of Lincoln, Small of Winooski, Austin of Colchester, Bluemle of Burlington, Briglin of Thetford, Burrows of West Windsor, Chase

of Colchester, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Donnally of Hyde Park, James of Manchester, Killacky of South Burlington, Lippert of Hinesburg, Masland of Thetford, Morris of Springfield, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Scheu of Middlebury, Sibiliala of Dover, Stebbins of Burlington, Surprenant of Barnard, Till of Jericho, Toleno of Brattleboro, Vyhovsky of Essex, and White of Bethel,

House bill, entitled

An act relating to limiting criminal defenses based on victim identity

To the Committee on Judiciary.

H. 129

By Reps. Marcotte of Coventry, Jerome of Brandon, Kimbell of Woodstock, Kitzmiller of Montpelier, Martin of Franklin, Nicoll of Ludlow, Seymour of Sutton, and White of Bethel,

House bill, entitled

An act relating to project-based tax increment financing districts

To the Committee on Ways and Means.

H. 130

By Reps. Burrows of West Windsor, Beck of St. Johnsbury, Patt of Worcester, Arrison of Weathersfield, Masland of Thetford, and White of Bethel,

House bill, entitled

An act relating to establishing standards for how a religious school can demonstrate that it is not using public tuition for religious instruction

To the Committee on Education.

H. 131

By Reps. Jerome of Brandon, Austin of Colchester, Coffey of Guilford, James of Manchester, and Shaw of Pittsford,

House bill, entitled

An act relating to exempting transfers of property between siblings or sibling's spouse from the Property Transfer Tax

To the Committee on Ways and Means.

H. 132

By Reps. Grad of Moretown, Pugh of South Burlington, and Colburn of

Burlington,

House bill, entitled

An act relating to possession of firearms by persons subject to final relief from abuse orders

To the Committee on Judiciary.

H. 133

By Reps. Grad of Moretown, Pugh of South Burlington, and Colburn of Burlington,

House bill, entitled

An act relating to emergency relief from abuse orders and relinquishment of firearms

To the Committee on Judiciary.

H. 134

By Reps. Scheu of Middlebury, Kornheiser of Brattleboro, Anthony of Barre City, Arrison of Weathersfield, Austin of Colchester, Bartholomew of Hartland, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Bos-Lun of Westminster, Brady of Williston, Briglin of Thetford, Brown of Richmond, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Chase of Colchester, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Colston of Winooski, Conlon of Cornwall, Copeland Hanzas of Bradford, Cordes of Lincoln, Dolan of Essex, Dolan of Waitsfield, Donnally of Hyde Park, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Grad of Moretown, Houghton of Essex, Howard of Rutland City, Jerome of Brandon, Jessup of Middlesex, Killacky of South Burlington, LaLonde of South Burlington, Lanpher of Vergennes, Lippert of Hinesburg, Long of Newfane, Masland of Thetford, McCarthy of St. Albans City, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Noyes of Wolcott, Ode of Burlington, Partridge of Windham, Patt of Worcester, Pugh of South Burlington, Rachelson of Burlington, Redmond of Essex, Satcowitz of Randolph, Sheldon of Middlebury, Sims of Craftsbury, Small of Winooski, Squirrel of Underhill, Stebbins of Burlington, Stevens of Waterbury, Surprenant of Barnard, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Troiano of Stannard, Vyhovsky of Essex, Webb of Shelburne, White of Bethel, Wood of Waterbury, Yacovone of Morristown, and Yantachka of Charlotte,

House bill, entitled

An act relating to paid family and medical leave insurance

To the Committee on General, Housing, and Military Affairs.

H. 135

By Rep. Gannon of Wilmington,

House bill, entitled

An act relating to the State Ethics Commission

To the Committee on Government Operations.

H. 136

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to Abenaki trapping licenses

To the Committee on Natural Resources, Fish, and Wildlife.

H. 137

By Reps. Taylor of Colchester, Bos-Lun of Westminster, Conlon of Cornwall, Donnally of Hyde Park, Houghton of Essex, Ode of Burlington, and Sullivan of Dorset,

House bill, entitled

An act relating to a women's transitional housing facility

To the Committee on Corrections and Institutions.

Committee Bill Introduced

H. 138

By the Committee on Appropriations,

An act relating to fiscal year 2021 budget adjustments

Was read and pursuant to House Rule 48, bill placed on the Calendar for Notice.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 14

Senate bill, entitled

An act relating to deed restrictions and housing density

To the Committee on General, Housing, and Military Affairs.

S. 36

Senate bill, entitled

An act relating to modifications to the use of certain Coronavirus Relief Fund appropriations;

To the Committee on Appropriations.

Adjournment

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

Wednesday, January 27, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Stevens of Waterbury.

House Bills Introduced

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

H. 139

By Reps. Cordes of Lincoln, Anthony of Barre City, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Elder of Starksboro, Masland of Thetford, Mulvaney-Stanak of Burlington, Small of Winooski, Surprenant of Barnard, and Yantachka of Charlotte,

House bill, entitled

An act relating to workers' compensation benefits and protections against retaliation

To the Committee on Commerce and Economic Development.

H. 140

By Reps. McCullough of Williston and Brady of Williston,

House bill, entitled

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

To the Committee on Government Operations.

H. 141

By Reps. Till of Jericho, Anthony of Barre City, Austin of Colchester, Beck of St. Johnsbury, Brumsted of Shelburne, Colston of Winooski, Fagan of Rutland City, Hango of Berkshire, Houghton of Essex, Jerome of Brandon, Lippert of Hinesburg, McCullough of Williston, Morgan, L. of Milton, Mrowicki of Putney, Ode of Burlington, Page of Newport City, Satcowitz of Randolph, and Walz of Barre City,

House bill, entitled

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

To the Committee on Human Services.

H. 142

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to extended producer responsibility for packaging and paper products

To the Committee on Natural Resources, Fish, and Wildlife.

H. 143

By Reps. Partridge of Windham, Coffey of Guilford, McCullough of Williston, O'Brien of Tunbridge, Page of Newport City, Rogers of Waterville, Sibilina of Dover, Sims of Craftsbury, Surprenant of Barnard, Walz of Barre City, and Yantachka of Charlotte,

House bill, entitled

An act relating to increasing special education State aid for prekindergarten students

To the Committee on Education.

H. 144

By Rep. Austin of Colchester,

House bill, entitled

An act relating to requiring inspection of wastewater systems

To the Committee on Natural Resources, Fish, and Wildlife.

Joint Resolution Referred to Committee**J.R.H. 2**

Joint resolution sincerely apologizing and expressing sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices

Offered by: Representatives Killacky of South Burlington, Ancel of Calais, Anthony of Barre City, Birong of Vergennes, Bluemle of Burlington, Brown of Richmond, Brumsted of Shelburne, Cina of Burlington, Coffey of Guilford, Colston of Winooski, Copeland Hanzas of Bradford, Cordes of Lincoln, Dolan of Essex, Dolan of Waitsfield, Donahue of Northfield, Donnally of Hyde Park, Durfee of Shaftsbury, Gannon of Wilmington, Grad of Moretown, Hooper of Montpelier, Houghton of Essex, James of Manchester, Jerome of Brandon, Kornheiser of Brattleboro, Lippert of Hinesburg, Masland of Thetford, Mrowicki of Putney, Ode of Burlington, Partridge of Windham, Patt of Worcester, Pugh of South Burlington, Scheu of Middlebury, Sheldon of Middlebury, Sims of Craftsbury, Small of Winooski, Stevens of Waterbury, Till of Jericho, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Webb of Shelburne, White of Hartford, Wood of Waterbury, and Yantachka of Charlotte

Whereas, in 1925, University of Vermont zoology professor Henry F. Perkins established the discredited Eugenics Survey of Vermont to measure evidence of alleged delinquency, dependency, and mental defectiveness, and this survey targeted members of Abenaki bands, Vermonters of mixed racial or French-Canadian heritage, the poor, and persons with disabilities, and

Whereas, the General Assembly adopted 1931 Acts and Resolves No. 174 (Act 174), “An Act for Human Betterment by Voluntary Sterilization,” for the purpose of eliminating from the future Vermont genetic pool persons deemed mentally unfit to procreate, and

Whereas, Act 174 resulted in the sterilization of Vermonters, and whether these individuals provided informed consent can be questioned, and

Whereas, this State-sanctioned eugenics policy was not an isolated example of oppression, but reflected the historic marginalization, discriminatory treatment, and displacement of these targeted groups in Vermont, and

Whereas, eugenics advocates promoted sterilization for the protection of Vermont’s “old stock” and to preserve the physical and social environment of Vermont for their children, and

Whereas, the Eugenics Survey advocated for assistance from State and municipal officials, and the resulting sterilization intruded on the lives of its

victims and had devastating and irreversible impacts on the directly affected individuals and their families, and

Whereas, in conducting the Eugenics Survey, the surveyors were granted access to case files from State agencies and institutions, and the files were made available to police departments, social workers, educators, and town officials, and

Whereas, as a result of the opening of these files, children were removed from families, individuals were institutionalized or incarcerated, family connections were severed, and the sense of kinship and community was lost, and

Whereas, on June 21, 2019, the University of Vermont issued a formal statement of sincere apology for its “unethical and regrettable” eugenics role, and the General Assembly, on behalf of the State of Vermont, should issue a similar apology, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly sincerely apologizes and expresses its sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices, and be it further

Resolved: That the General Assembly recognizes that further legislative action should be taken to address the continuing impact of State-sanctioned eugenics policies and related practices of disenfranchisement and ethnocide leading to genocide.

Was read by title and, at the Speaker’s discretion pursuant to Rule 52, was treated as a bill and referred to the Committee on General, Housing, and Military Affairs.

Joint Resolution Adopted in Concurrence

J.R.S. 11

By Senator Balint,

J.R.S. 11. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 29, 2021, it be to meet again no later than Tuesday, February 2, 2021.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading**H.C.R. 7**

House concurrent resolution designating January 27, 2021 as Homelessness Awareness Day in Vermont

Offered by: Reps. Stevens of Waterbury and Pugh of South Burlington

Having been adopted in concurrence on Friday, January 22, 2021 in accord with Joint Rule 16b, was read.

Adjournment

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

Thursday, January 28, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Ode of Burlington.

House Bills Introduced

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

H. 145

By Reps. Grad of Moretown and Christie of Hartford,

House bill, entitled

An act relating to amending the standards for law enforcement use of force

To the Committee on Judiciary.

H. 146

By Reps. Martel of Waterford, Batchelor of Derby, Fagan of Rutland City, Goslant of Northfield, Grad of Moretown, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Leffler of Enosburgh, Morgan, M. of Milton, Morrissey of Bennington, Murphy of Fairfax, Norris of Sheldon, Ode of Burlington, Page of Newport City, Palasik of Milton, Peterson of Clarendon, Savage of Swanton, Sibilia of Dover, Smith of Derby, Smith of New Haven, Strong of Albany, Troiano of Stannard, and Williams of Granby,

House bill, entitled

An act relating to the definition of household income for the purposes of the property tax credit

To the Committee on Ways and Means.

H. 147

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

House bill, entitled

An act relating to exempting State active duty subsistence and quarters allowance paid to members of the National Guard

To the Committee on Ways and Means.

H. 148

By Reps. Till of Jericho, Anthony of Barre City, Campbell of St. Johnsbury, Houghton of Essex, Howard of Rutland City, and Page of Newport City,

House bill, entitled

An act relating to eliminating the religious exemption for required immunizations

To the Committee on Judiciary.

H. 149

By Rep. Fagan of Rutland City,

House bill, entitled

An act relating to modernizing statutes related to the Vermont National Guard

To the Committee on General, Housing, and Military Affairs.

H. 150

By Reps. Vyhovsky of Essex, Anthony of Barre City, Burke of Brattleboro, Burrows of West Windsor, Cina of Burlington, Colston of Winooski, Dolan of Essex, Donnally of Hyde Park, Houghton of Essex, Howard of Rutland City, Masland of Thetford, McCullough of Williston, Mulvaney-Stanak of Burlington, Ode of Burlington, Sims of Craftsbury, Smith of New Haven, Surprenant of Barnard, Townsend of South Burlington, Troiano of Stannard, Yacovone of Morristown, and Yantachka of Charlotte,

House bill, entitled

An act relating to creating incentives for schools and establishing a goal for

correctional facilities to purchase locally produced foods

To the Committee on Education.

Committee Bills Introduced

H. 151

By the Committee on Government Operations,

An act relating to vital records, mausoleums and columbaria, and emergency health orders

Was read, and pursuant to House Rule 48, placed on the Calendar for Notice.

H. 152

By the Committee on Ways and Means,

An act relating to education property tax

Was read, and pursuant to House Rule 48, placed on the Calendar for Notice.

Committee Bill; Second Reading; Third Reading Ordered

H. 138

Rep. Hooper of Montpelier spoke for the Committee on Appropriations.

House bill entitled

An act relating to fiscal year 2021 budget adjustments

Having appeared on the Calendar one day for Notice, was taken up, read the second time, and third reading ordered.

Members of Legislative Committee on Administrative Rules Appointed

Pursuant to 3 V.S.A. § 817(a), the Speaker appointed the following members to the Legislative Committee on Administrative Rules:

Rep. Bongartz of Manchester

Rep. Higley of Lowell

Rep. Ode of Burlington

Rep. Squirrell of Underhill

Members of Joint Committee on Judicial Retention Appointed

Pursuant to 4 V.S.A. § 607, the Speaker appointed the following members to the Joint Committee on Judicial Retention:

Rep. Colburn of Burlington

Rep. Notte of Rutland City

Rep. Shaw of Pittsford

Rep. Troiano of Stannard

Members of Judicial Nominating Board Nominated

Pursuant to 4 V.S.A. § 601, the Speaker nominated the following members to the Judicial Nominating Board:

Rep. Burditt of West Rutland

Rep. Rachelson of Burlington

Rep. Jessup of Middlesex

Adjournment

At one o'clock and fifty-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.

Friday, January 29, 2021

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. Anthony of Barre City.

House Bills Introduced

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

H. 153

By Reps. Noyes of Wolcott and Wood of Waterbury,

House bill, entitled

An act relating to Medicaid reimbursement rates for home- and community-based service providers

To the Committee on Human Services.

H. 154

By Rep. Gannon of Wilmington,

House bill, entitled

An act relating to the failure of municipal officers to accept office

To the Committee on Government Operations.

H. 155

By Reps. Till of Jericho, Anthony of Barre City, Bartholomew of Hartland, Burke of Brattleboro, Campbell of St. Johnsbury, Grad of Moretown, Hango of Berkshire, Hooper of Burlington, Martin of Franklin, McCullough of Williston, Morgan, L. of Milton, Mrowicki of Putney, Nicoll of Ludlow, Stebbins of Burlington, and Yantachka of Charlotte,

House bill, entitled

An act relating to motor vehicle manufacturers and motor vehicle warranty or service facilities

To the Committee on Transportation.

H. 156

By Reps. Masland of Thetford and Briglin of Thetford,

House bill, entitled

An act relating to making all of Route 132 a State highway

To the Committee on Transportation.

H. 157

By Reps. Campbell of St. Johnsbury, Anthony of Barre City, Austin of Colchester, Brumsted of Shelburne, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Masland of Thetford, McCullough of Williston, Ode of Burlington, Patt of Worcester, Stebbins of Burlington, Till of Jericho, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, White of Hartford, and Yantachka of Charlotte,

House bill, entitled

An act relating to registration of construction contractors

To the Committee on General, Housing, and Military Affairs.

H. 158

By Reps. Sims of Craftsbury, Smith of Derby, and Strong of Albany,

House bill, entitled

An act relating to the sale of State-owned railroad property for a compelling economic or historic preservation need

To the Committee on Transportation.

H. 159

By Reps. Coffey of Guilford, Burke of Brattleboro, James of Manchester, Jerome of Brandon, Killacky of South Burlington, Kimbell of Woodstock, Lefebvre of Newark, and White of Bethel,

House bill, entitled

An act relating to creating the Better Places Program

To the Committee on Commerce and Economic Development.

H. 160

By Reps. Townsend of South Burlington and Briglin of Thetford,

House bill, entitled

An act relating to protecting consumer data privacy

To the Committee on Commerce and Economic Development.

H. 161

By Rep. Sullivan of Dorset,

House bill, entitled

An act relating to rent stabilization and economic mobility

To the Committee on General, Housing, and Military Affairs.

H. 162

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to protecting student loan borrowers from deceptive and misleading practices by student loan lenders and servicers

To the Committee on Commerce and Economic Development.

H. 163

By Reps. Mulvaney-Stanak of Burlington, Cina of Burlington, Burke of Brattleboro, Burrows of West Windsor, Colburn of Burlington, Cordes of Lincoln, Sims of Craftsbury, Small of Winooski, Surprenant of Barnard, Vyhovsky of Essex, and White of Bethel,

House bill, entitled

An act relating to enhancing equitable learning and workplace environments in public schools

To the Committee on Education.

H. 164

By Reps. Peterson of Clarendon, Achey of Middletown Springs, Fagan of Rutland City, Page of Newport City, Savage of Swanton, and Yantachka of Charlotte,

House bill, entitled

An act relating to requiring a town to affirmatively vote to allow any licensed cannabis establishment to operate within the town

To the Committee on Government Operations.

H. 165

By Reps. Smith of Derby, Batchelor of Derby, Beck of St. Johnsbury, Graham of Williamstown, Gregoire of Fairfield, Hango of Berkshire, Morgan, L. of Milton, Page of Newport City, and Yantachka of Charlotte,

House bill, entitled

An act relating to requiring active community notification upon release of sex offender who committed an offense against a minor

To the Committee on Judiciary.

**Amendments Offered Prior to Third Reading; Amendments Withdrawn;
Bill Amended; Bill Passed**

H. 138

House bill, entitled

An act relating to fiscal year 2021 budget adjustments

Pending third reading of the bill, **Rep. LaClair of Barre Town** moved to amend the bill by adding a new section to read as follows:

Sec. 48a. FISCAL YEAR 2021 ONE-TIME GENERAL FUNDAPPROPRIATIONS

In fiscal year 2021, the sum of \$10,000,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to establish a program to assist businesses and organizations that have ongoing, unmet needs due to the COVID-19 public health emergency but are ineligible for, or have otherwise been closed out of, the Paycheck Protection Program or other SBA grant programs as established in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021.

Thereupon, **Rep. LaClair of Barre Town** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Rep. Hooper of Montpelier** moved to amend the bill in Sec. 51a, Department for Children and Families; Housing For Justice-Involved Juveniles, by striking out subsection (b) and inserting in lieu thereof the following:

(b) For the project described in subsection (a) of this section, the State shall secure a warranty bond on the entire cost of the project.

Which was agreed to.

Pending third reading of the bill, **Reps. McCoy of Poultney and Sullivan of Dorset** moved to amend the bill by inserting a new Sec. 48a to read as follows:

Sec. 48a. ECONOMIC RECOVERY GRANTS; APPROPRIATION

In fiscal year 2021, the amount of \$10,000,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to provide economic recovery grants pursuant to 2020 Acts and Resolves No. 154, Sec. B.1102.

Thereupon, **Rep. McCoy of Poultney** asked and was granted leave of the House to withdraw the amendment.

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

Adjournment

At ten o'clock and seven minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 2, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 11.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 8

House concurrent resolution congratulating the Proctor High School Phantoms girls' soccer team on winning a second consecutive Division IV championship

H.C.R. 9

House concurrent resolution recognizing the unwavering dedication of Vermont's health care workforce during the COVID-19 pandemic

H.C.R. 10

House concurrent resolution recognizing the important health care contribution of nurse anesthetists in Vermont

H.C.R. 11

House concurrent resolution honoring the Thomas Dairy for 99 years of agricultural and entrepreneurial excellence

H.C.R. 12

House concurrent resolution recognizing the important work of MENTOR Vermont and designating January 21, 2021 as Mentoring Day in Vermont

H.C.R. 13

House concurrent resolution honoring former Brattleboro Police Chief Michael Fitzgerald

H.C.R. 14

House concurrent resolution in memory of historic preservation architect Martin S. Tierney of Burlington

[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 2021, seventy-sixth Biennial session.]

Tuesday, February 2, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Page of Newport City.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 13

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 concurrent resolutions originating in the House of the following titles:

H.C.R. 8. House concurrent resolution congratulating the Proctor High School Phantoms girls' soccer team on winning a second consecutive Division IV championship.

H.C.R. 9. House concurrent resolution recognizing the unwavering dedication of Vermont's health care workforce during the COVID-19 pandemic.

H.C.R. 10. House concurrent resolution recognizing the important health care contribution of nurse anesthetists in Vermont.

H.C.R. 11. House concurrent resolution honoring the Thomas Dairy for 99 years of agricultural and entrepreneurial excellence.

H.C.R. 12. House concurrent resolution recognizing the important work of MENTOR Vermont and designating January 21, 2021 as Mentoring Day in Vermont.

H.C.R. 13. House concurrent resolution honoring former Brattleboro Police Chief Michael Fitzgerald.

H.C.R. 14. House concurrent resolution in memory of historic preservation architect Martin S. Tierney of Burlington.

House Bills Introduced

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

H. 166

By Reps. Sabilia of Dover and Coffey of Guilford,

House bill, entitled

An act relating to changes to the Nuclear Decommissioning Citizens Advisory Panel

To the Committee on Energy and Technology.

H. 167

By Reps. Sheldon of Middlebury, McCullough of Williston, and Dolan of Waitsfield,

House bill, entitled

An act relating to establishment of the Environmental Stewardship Board

To the Committee on Natural Resources, Fish, and Wildlife.

H. 168

By Reps. Burditt of West Rutland and Leffler of Enosburgh,

House bill, entitled

An act relating to daylight saving time

To the Committee on General, Housing, and Military Affairs.

H. 169

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to consumer advertising

To the Committee on Commerce and Economic Development.

H. 170

By Rep. Sullivan of Dorset,

House bill, entitled

An act relating to the sales tax exemption for residential use of fuels

To the Committee on Ways and Means.

H. 171

By Reps. Brumsted of Shelburne, James of Manchester, Kornheiser of Brattleboro, Marcotte of Coventry, Townsend of South Burlington, Wood of Waterbury, Yacovone of Morristown, Anthony of Barre City, Austin of Colchester, Batchelor of Derby, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Brady of Williston, Briglin of Thetford, Brown of Richmond, Burke of Brattleboro,

Burrows of West Windsor, Campbell of St. Johnsbury, Chase of Colchester, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Colston of Winooski, Conlon of Cornwall, Copeland Hanzas of Bradford, Cordes of Lincoln, Dolan of Essex, Dolan of Waitsfield, Donnally of Hyde Park, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Gannon of Wilmington, Goldman of Rockingham, Goslant of Northfield, Grad of Moretown, Gregoire of Fairfield, Hooper of Randolph, Hooper of Burlington, Houghton of Essex, Howard of Rutland City, Jerome of Brandon, Killacky of South Burlington, Kitzmiller of Montpelier, LaLonde of South Burlington, Lanpher of Vergennes, Lefebvre of Newark, Lippert of Hinesburg, Long of Newfane, Masland of Thetford, McCarthy of St. Albans City, McCullough of Williston, McFaun of Barre Town, Morgan, L. of Milton, Morgan, M. of Milton, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Nigro of Bennington, Norris of Sheldon, Noyes of Wolcott, Ode of Burlington, Page of Newport City, Pajala of Londonderry, Partridge of Windham, Patt of Worcester, Pugh of South Burlington, Rachelson of Burlington, Redmond of Essex, Rosenquist of Georgia, Savage of Swanton, Scheu of Middlebury, Scheuermann of Stowe, Seymour of Sutton, Sheldon of Middlebury, Sims of Craftsbury, Small of Winooski, Smith of New Haven, Squirrell of Underhill, Stebbins of Burlington, Stevens of Waterbury, Till of Jericho, Toleno of Brattleboro, Troiano of Stannard, Vyhovsky of Essex, Walz of Barre City, Webb of Shelburne, White of Bethel, White of Hartford, Whitman of Bennington, and Yantachka of Charlotte,

House bill, entitled

An act relating to the governance and financing of Vermont's child care system

To the Committee on Human Services.

H. 172

By Rep. McCullough of Williston,

House bill, entitled

An act relating to trapping and hunting

To the Committee on Natural Resources, Fish, and Wildlife.

H. 173

By Rep. Gannon of Wilmington,

House bill, entitled

An act relating to reorganization of the Executive Branch by Executive Order

To the Committee on Government Operations.

Judicial Nominating Board Elected

Pursuant to 4 V.S.A. § 601, the Speaker nominated as a committee to the Judicial Nominating Board the following named members:

Rep. Burditt of West Rutland

Rep. Rachelson of Burlington

Rep. Jessup of Middlesex

Rep. McCoy of Poultney moved the election of the candidates, as nominated by the Speaker, which was agreed to.

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

H. 84

Rep. Ancel of Calais moved that the Committee on Ways and Means be relieved of House bill, entitled

An act relating to the downtown and village center tax credit program

And that the bill be committed to the Committee on Commerce and Economic Development, which was agreed to.

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

H. 129

Rep. Ancel of Calais moved that the Committee on Ways and Means be relieved of House bill, entitled

An act relating to project-based tax increment financing districts

And that the bill be committed to the Committee on Commerce and Economic Development, which was agreed to.

Committee Bill; Second Reading; Third Reading Ordered

H. 151

Rep. LaClair of Barre Town spoke for the Committee on Government Operations.

House bill, entitled

An act relating to vital records, mausoleums and columbaria, and emergency health orders

Having appeared on the Calendar one day for Notice and appearing on the Calendar for Action, was taken up, read the second time, and third reading ordered.

Committee Bill; Bill Committed

H. 152

House bill, entitled

An act relating to education property tax

Having appeared on the Calendar one day for Notice and appearing on the Calendar for Action, was taken up, and pending second reading and the reading of the report of the Committee on Ways and Means, on motion of **Rep. Webb of Shelburne**, the bill was committed to the Committee on Education.

Government Accountability Committee Members Appointed

Pursuant to 2 V.S.A. § 970, the Speaker appointed the following members to the Government Accountability Committee:

Rep. Brumsted of Shelburne

Rep. Dolan of Essex

Rep. Lefebvre of Orange

Rep. Townsend of South Burlington

Health Reform Oversight Committee Members Announced

Pursuant to 2 V.S.A. § 691, the Speaker announced the following members of the Health Reform Oversight Committee:

Rep. Ancel of Calais, *ex officio*

Rep. Hooper of Montpelier, *ex officio*

Rep. Lippert of Hinesburg, *ex officio*

Rep. Pugh of South Burlington, *ex officio*

Joint Information Technology Oversight Committee Members Appointed

Pursuant to 2 V.S.A. § 614, the Speaker appointed the following members to the Joint Information Technology Oversight Committee:

Rep. Chase of Colchester

Rep. Feltus of Lyndon

Rep. Sibia of Dover

Joint Legislative Justice Oversight Committee Members Appointed

Pursuant to 2 V.S.A. § 801, the Speaker appointed the following members to the Joint Legislative Justice Oversight Committee:

Rep. Emmons of Springfield

Rep. Grad of Moretown

Rep. Shaw of Pittsford

Rep. Squirrell of Underhill

Rep. Wood of Waterbury

Joint Legislative Management Committee Members Appointed

Pursuant to 2 V.S.A. § 41, the Speaker appointed the following members to the Joint Legislative Management Committee:

Rep. Ancel of Calais

Rep. Colston of Winooski

Rep. LaClair of Barre Town

Joint Rules Committee Members Appointed

Pursuant to Joint Rule 5, the Speaker appointed the following members to the Joint Rules Committee:

Rep. Long of Newfane

Rep. McCarthy of St. Albans City

Rep. McCoy of Poultney

Joint Transportation Oversight Committee Members Announced

Pursuant to 19 V.S.A. § 12b, the Speaker announced the following members of the Joint Transportation Oversight Committee:

Rep. Ancel of Calais, *ex officio*

Rep. Lanpher of Vergennes, *ex officio*

Rep. Hooper of Montpelier, *ex officio*

Legislative Committee On Judicial Rules Members Appointed

Pursuant to 12 V.S.A. § 3, the Speaker appointed the following members to the Legislative Committee on Judicial Rules:

Rep. Burditt of West Rutland

Rep. Grad of Moretown

Rep. LaLonde of South Burlington

Rep. Sullivan of Dorset

Adjournment

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

Message from the Senate No. 14

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. 12. Joint resolution relating to weekend adjournment.

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

Wednesday, February 3, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Cordes of Lincoln.

House Bills Introduced

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

H. 174

By Rep. Scheuermann of Stowe,

House bill, entitled

An act relating to completion of flood hazard determinations
To the Committee on Judiciary.

H. 175

By Rep. McCullough of Williston,
House bill, entitled
An act relating to the beverage container redemption system
To the Committee on Natural Resources, Fish, and Wildlife.

H. 176

By Rep. Townsend of South Burlington,
House bill, entitled
An act relating to requiring clubs to file quarterly reports of break-open
ticket sales
To the Committee on General, Housing, and Military Affairs.

H. 177

By Reps. Kitzmiller of Montpelier and Hooper of Montpelier,
House bill, entitled
An act relating to approval of an amendment to the charter of the City of
Montpelier
To the Committee on Government Operations.

H. 178

By Reps. Walz of Barre City, Harrison of Chittenden, and Marcotte of
Coventry
House bill, entitled
An act relating to low-alcohol spirits beverages;
To the Committee on General, Housing, and Military Affairs.

H. 179

By Reps. Scheuermann of Stowe, Birong of Vergennes, Bongartz of
Manchester, Brumsted of Shelburne, Gregoire of Fairfield, Hango of
Berkshire, Harrison of Chittenden, James of Manchester, Morrissey of
Bennington, Stebbins of Burlington, Wood of Waterbury, and Yantachka of
Charlotte,
House bill, entitled

An act relating to the creation of the Tourism Marketing Promotion Fund
To the Committee on Commerce and Economic Development.

H. 180

By Reps. Scheuermann of Stowe, Leffler of Enosburgh, Mrowicki of Putney, Page of Newport City, and Strong of Albany,

House bill, entitled

An act relating to the dissolution of or withdrawal from a unified union school district formed by order of the State Board of Education under Act 46

To the Committee on Education.

H. 181

By Reps. Scheuermann of Stowe, Brennan of Colchester, Donahue of Northfield, Gregoire of Fairfield, Harrison of Chittenden, Leffler of Enosburgh, and Strong of Albany,

House bill, entitled

An act relating to making proficiency-based learning and proficiency-based graduation voluntary

To the Committee on Education.

H. 182

By Rep. Scheuermann of Stowe,

House bill, entitled

An act relating to the provision of transition facilitation grant funding to school districts that were formed by the State Board of Education's merger order under Act 46;

To the Committee on Education.

H. 183

By Reps. Copeland Hanzas of Bradford, Grad of Moretown, Colburn of Burlington, Anthony of Barre City, Briglin of Thetford, Burke of Brattleboro, Campbell of St. Johnsbury, Christie of Hartford, Coffey of Guilford, Colston of Winooski, Cordes of Lincoln, Donnally of Hyde Park, Elder of Starksboro, Goldman of Rockingham, James of Manchester, Killacky of South Burlington, Kornheiser of Brattleboro, Masland of Thetford, McCullough of Williston, Mrowicki of Putney, Patt of Worcester, Stebbins of Burlington, Stevens of Waterbury, Surprenant of Barnard, Townsend of South Burlington, Wood of Waterbury, Yacovone of Morristown, and Yantachka of Charlotte,

House bill, entitled

An act relating to sexual violence

To the Committee on Judiciary.

H. 184

By Reps. Beck of St. Johnsbury, Burrows of West Windsor, Conlon of Cornwall, Donahue of Northfield, Graham of Williamstown, Gregoire of Fairfield, Martel of Waterford, Mattos of Milton, McCoy of Poultney, Savage of Swanton, Strong of Albany, Sullivan of Dorset, and Toof of St. Albans Town,

House bill, entitled

An act relating to changing the education property tax rate calculations

To the Committee on Education.

H. 185

By Reps. Birong of Vergennes, Fagan of Rutland City, Austin of Colchester, Batchelor of Derby, Brumsted of Shelburne, Coffey of Guilford, Donahue of Northfield, Grad of Moretown, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Morgan, L. of Milton, Morrissey of Bennington, Mrowicki of Putney, Nicoll of Ludlow, Norris of Sheldon, Noyes of Wolcott, Ode of Burlington, Pajala of Londonderry, Savage of Swanton, Scheuermann of Stowe, Sibia of Dover, Smith of Derby, and Sullivan of Dorset,

House bill, entitled

An act relating to exempting U.S. military retirement pay and survivor benefit income

To the Committee on Ways and Means.

H. 186

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to the sale of shell eggs

To the Committee on Agriculture and Forestry.

Joint Resolution Adopted in Concurrence

J.R.S. 12

By Senator Balint,

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

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 5, 2021, it be to meet again no later than Tuesday, February 9, 2021.

Was taken up, read, and adopted in concurrence.

Third Reading; Bill Passed**H. 151**

House bill, entitled

An act relating to vital records, mausoleums and columbaria, and emergency health orders

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

Adjournment

At one o'clock and forty minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

Thursday, February 4, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Kornheiser of Brattleboro.

House Bills Introduced

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

H. 187

By Rep. Kornheiser of Brattleboro,

House bill, entitled

An act relating to agreements not to compete

To the Committee on Commerce and Economic Development.

H. 188

By Reps. Canfield of Fair Haven, Hango of Berkshire, Morrissey of Bennington, Palasik of Milton, Savage of Swanton, and Shaw of Pittsford,

House bill, entitled

An act relating to the appointment of the Adjutant General and creating a tax exemption for military retirement pay

To the Committee on General, Housing, and Military Affairs.

H. 189

By Reps. Beck of St. Johnsbury, Mattos of Milton, and Ode of Burlington,

House bill, entitled

An act relating to corporate income tax

To the Committee on Ways and Means.

H. 190

By Reps. Rachelson of Burlington, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Cina of Burlington, Colston of Winooski, Cordes of Lincoln, Donnally of Hyde Park, Hooper of Burlington, Howard of Rutland City, Satcowitz of Randolph, Stebbins of Burlington, Surprenant of Barnard, Troiano of Stannard, Vyhovsky of Essex, and White of Bethel,

House bill, entitled

An act relating to prohibiting State contracts with for-profit correctional facilities

To the Committee on Corrections and Institutions.

H. 191

By Reps. Rachelson of Burlington, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Cina of Burlington, Colston of Winooski, Cordes of Lincoln, Donnally of Hyde Park, Howard of Rutland City, Satcowitz of Randolph, Stebbins of Burlington, Surprenant of Barnard, Troiano of Stannard, Vyhovsky of Essex, and White of Bethel,

House bill, entitled

An act relating to prohibition on the transfer of Vermont inmates to an out-of-state correctional facility

To the Committee on Corrections and Institutions.

H. 192

By Reps. Rachelson of Burlington, Bluemle of Burlington, Bos-Lun of Westminster, Colston of Winooski, Cordes of Lincoln, Donnally of Hyde Park, Killacky of South Burlington, Mulvaney-Stanak of Burlington, Pugh of South Burlington, and Toleno of Brattleboro,

House bill, entitled

An act relating to creating a public school bill of rights for transgender and gender nonconforming students

To the Committee on Education.

H. 193

By Reps. Sullivan of Dorset, Beck of St. Johnsbury, Brumsted of Shelburne, Killacky of South Burlington, McCoy of Poultney, and Notte of Rutland City,

House bill, entitled

An act relating to permitting out-of-court statement by victims of human trafficking

To the Committee on Judiciary.

House Resolution Placed on Calendar

H.R. 7

House resolution, entitled

House resolution disapproving Executive Order 01-21

Offered by: Committee on Government Operations

Whereas, on January 14, 2021, the Governor signed Executive Order 01-21 providing for the creation of “the Agency of Public Safety,” and

Whereas, according to the Executive Order, effective April 15, 2021, the Agency of Public Safety shall be created and shall assume all duties, responsibilities, and authority of the Department of Public Safety, the Vermont Criminal Justice Council, the Vermont Enhanced 911 Board, and the Department of Motor Vehicles Enforcement Division on or before July 1, 2022, and

Whereas, the Committee on Government Operations has taken testimony and public comment concerning this Executive Order, and

Whereas, the House of Representatives agrees with the Governor’s goals of “law enforcement modernization and reform and optimal government efficacy,” and

Whereas, the House of Representatives supports improving the organization of State law enforcement operations; modernizing the State’s data collection and reporting technology; expanding alternative crisis response methodologies; providing enhanced statewide model policies in key areas; modernizing hiring

practices, training, and supervisor selection; and developing community oversight models, and

Whereas, the House of Representatives wishes to ensure that the Governor's reorganization achieves these goals without leading to unintended consequences, and

Whereas, the House of Representatives is concerned that the Department of Public Safety does not have the capacity to ensure the success of the Governor's reorganization plan given that Vermont is in the midst of a state of emergency related to the COVID-19 pandemic and recently reached the highest level of threat alert achieved since the 9/11 terrorist attacks in 2001, and

Whereas, the House of Representatives envisioned the Vermont Criminal Justice Council to be an independent entity with public oversight over law enforcement and is concerned that moving the Vermont Criminal Justice Council under the control of a State law enforcement agency could undermine the public's confidence in the Council's professional regulation of law enforcement and jeopardize the Council's ability to execute its mission free from undue political influence, and

Whereas, given the complexity of reorganizing the Department of Public Safety and other law enforcement and emergency response services, the appropriate mechanism to pursue this reorganization is the legislative process with the resulting opportunity for enhanced research, analysis, and public participation, and

Whereas, as part of the legislative process, the House Committee on Government Operations looks forward to reviewing and taking testimony on the Administration's complete proposal to create the Agency of Public Safety, now therefore be it

Resolved by the House of Representatives:

That this legislative body, pursuant to 3 V.S.A. § 2002, disapproves of Executive Order 01-21, and be it further

Resolved: That the House of Representatives invites the Administration to bring forward draft legislation for the reorganization of public safety services, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to Governor Philip B. Scott.

Was read and, in the Speaker's discretion, placed on the Calendar for Action tomorrow under Rule 52.

Ceremonial Reading**H.C.R. 9**

House concurrent resolution recognizing the unwavering dedication of Vermont's health care workforce during the COVID-19 pandemic

Offered by: All House Members

Having been adopted in concurrence on Friday, January 29, 2021 in accord with Joint Rule 16b, was read.

Second Reading; Bill Amended; Third Reading Ordered**H. 18**

Rep. Burditt of West Rutland, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to sexual exploitation of children

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

Sec. 1. 13 V.S.A. § 2821 is amended to read:

§ 2821. DEFINITIONS

As used in this chapter:

- (1) "Child" means any person under 16 years of age.
- (2) "Sexual conduct" means any of the following:

(A) any conduct involving contact between the penis and the vulva, the penis and the penis, the penis and the anus, the mouth and the penis, the mouth and the anus, the vulva and the vulva, or the mouth and the vulva;

(B) any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desire of any person;

(C) any intentional touching, not through the clothing, of the genitals, anus, or breasts of another with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desire of any person;

(D) masturbation;

(E) bestiality; ~~or~~

(F) sadomasochistic abuse for sexual purposes; or

(G) any simulation of the conduct described in subdivisions (2)(A)–(F) of this section.

* * *

(7)(A) “Simulation” means the explicit depiction of any conduct described in subdivisions (2)(A)–(F) of this section that:

- (i) involves a child as defined in subdivision (1) of this section;
- (ii) creates the appearance of such conduct; and
- (iii) exhibits naked genitals, buttocks, or breasts below the top of the areola.

(B) “Simulation” does not include paintings, drawings, or nonvisual or written descriptions of sexual conduct.

(C) “Simulation” applies to conduct, not to a simulated child.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

Message from the Senate No. 15

A message was received from the Senate by Mr. Marshall, 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. 13. Joint resolution providing for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

J.R.S. 14. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2021.

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

The Governor has informed the Senate that on the third day of February, 2021, he approved and signed a bill originating in the Senate of the following title:

S. 9. An act relating to extending certain workers' compensation amendments related to COVID-19.

Adjournment

At one o'clock and forty-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, February 5, 2021

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. Cina of Burlington.

House Bills Introduced

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

H. 194

By Reps. Sims of Craftsbury, Campbell of St. Johnsbury, Donnally of Hyde Park, Harrison of Chittenden, and Marcotte of Coventry,

House bill, entitled

An act relating to elevating and accelerating broadband

To the Committee on Energy and Technology.

H. 195

By Rep. Grad of Moretown,

House bill, entitled

An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children, sexual assault, homicide, or kidnapping

To the Committee on Judiciary.

H. 196

By Reps. Christie of Hartford, Anthony of Barre City, Austin of Colchester, Beck of St. Johnsbury, Birong of Vergennes, Bluemle of Burlington, Brady of

Williston, Brumsted of Shelburne, Burrows of West Windsor, Chase of Colchester, Coffey of Guilford, Cordes of Lincoln, Dolan of Essex, Donahue of Northfield, Donnally of Hyde Park, Gannon of Wilmington, Hooper of Burlington, Houghton of Essex, James of Manchester, Killacky of South Burlington, Lippert of Hinesburg, Masland of Thetford, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Patt of Worcester, Rachelson of Burlington, Satcowitz of Randolph, Sibilia of Dover, Sims of Craftsbury, Stevens of Waterbury, Surprenant of Barnard, Till of Jericho, Townsend of South Burlington, Vyhovsky of Essex, Walz of Barre City, White of Bethel, and Wood of Waterbury,

House bill, entitled

An act relating to supporting the work of the Executive Director of Racial Equity

To the Committee on Government Operations.

H. 197

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to an independent monitoring board for body-worn camera footage

To the Committee on Government Operations.

H. 198

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to limiting the circumstances under which an asset is subject to judicial forfeiture

To the Committee on Judiciary.

H. 199

By Rep. Grad of Moretown,

House bill, entitled

An act relating to validating legal instruments used in connection with the conveyance of real estate

To the Committee on Judiciary.

H. 200

By Reps. Kornheiser of Brattleboro, Colburn of Burlington, and Pajala of Londonderry,

House bill, entitled

An act relating to regulating short-term rentals

To the Committee on General, Housing, and Military Affairs.

H. 201

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to switchblade knives

To the Committee on Judiciary.

H. 202

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to expungement and sealing of criminal history records without a petition

To the Committee on Judiciary.

H. 203

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to criminal threatening a State employee or elected official

To the Committee on Judiciary.

H. 204

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to creating a State funding match for AmeriCorps members

To the Committee on Commerce and Economic Development.

Joint Resolution Referred to Committee**J.R.H. 3**

Joint resolution constituting an application for a Convention of the States under Article V of the Constitution of the United States

Offered by: Representative Helm of Fair Haven

Whereas, the founders of our Constitution empowered State Legislators to be guardians of liberty against future abuses of power by the federal government, and

Whereas, the federal government has created a crushing national debt through improper and imprudent spending, and

Whereas, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent, and

Whereas, the federal government has ceased to live under a proper interpretation of the Constitution of the United States, and

Whereas, it is the solemn duty of the States to protect the liberty of our people—particularly for the generations to come—by proposing Amendments to the Constitution of the United States through a Convention of the States under Article V for the purpose of restraining these and related abuses of power, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly of the State of Vermont hereby applies to Congress under the provisions of Article V of the Constitution of the United States, and be it further

Resolved: That the General Assembly requests that the convention of the States be limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress, and be it further

Resolved: That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the

members of the Vermont Congressional Delegation, and to the presiding officers of each of the legislative houses in the several States, requesting their cooperation.

Was read and, in the Speaker's discretion pursuant to Rule 52, treated as bill, and referred to the Committee on Government Operations.

Joint Resolution Placed on Calendar

J.R.S. 13

Joint Senate resolution, entitled

By Senator Balint,

J.R.S. 13. Joint resolution providing for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

Whereas, Vermont has been declared by the Governor to be in a State of Emergency as a result of a pandemic known as "COVID-19"; and

Whereas, it is critical to take steps to control outbreaks of COVID-19 to minimize the risk to the public, maintain the health and safety of Vermonters, and limit the spread of infection in our community; and

Whereas, technology exists that would enable the General Assembly to conduct a Joint Assembly during this time of a declared emergency in a manner: consistent with public access to, and transparency of, its proceedings, as demanded by the Vermont Constitution; and consistent with and in compliance with statutory and legislative rule requirements regarding the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 18, 2021, at ten o'clock and thirty minutes in the forenoon to vote on the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and debate from a remote location; that voting by ballot shall be conducted, as practicable, consistent with Vermont's "Early or Absentee Voters" statute at 17 V.S.A. §2531, et seq.; that after nominations and debates, if necessary, the Joint Assembly shall recess until Thursday, February 25, 2021 at 2:00 pm (or

as otherwise ordered by the Joint Assembly) so that ballots may be submitted; and that upon reconvening, the results of the vote shall be announced or the Joint Assembly shall proceed until the above is completed.

Was read and, at the Speaker's discretion under Rule 52, placed on the Calendar for Action on the next legislative day.

Joint Resolution Placed on Calendar

J.R.S. 14

House resolution, entitled

By Senator Balint,

J.R.S. 14. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2021.

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

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

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

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

Resolved by the Senate and House of Representatives:

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 18, 2021, shall be governed by the following procedure:

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

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

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then as necessary

voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

Was read and, at the Speaker's discretion under Rule 52, placed on the Calendar for Action on the next legislative day.

Third Reading; Bill Passed

H. 18

House bill, entitled

An act relating to sexual exploitation of children

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

Second Reading; Bill Amended; Third Reading Ordered

H. 20

Rep. Donnally of Hyde Park, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to pretrial risk assessments and pretrial services

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

Sec. 1. 13 V.S.A. § 7554c is amended to read:

§ 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

~~(a)(1) The objective of a pretrial risk assessment is to provide information to the court for the purpose of determining whether a person presents a risk of nonappearance or a risk of re-offense so the court can make an appropriate order concerning bail and conditions of pretrial release. The assessment shall not assess victim safety or risk of lethality in domestic assaults.~~

~~(2) The objective of a pretrial needs screening is to obtain a preliminary indication of whether a person has a substantial substance abuse or mental health issue that would warrant a subsequent court order for a more detailed clinical assessment.~~

~~(3)(2) Participation in a risk assessment or needs screening pursuant to this section does not create any entitlement for the assessed or screened person.~~

(b)(1) Except as provided in subdivision (2) of this subsection, a judge may request that a pretrial services coordinator perform a risk assessment that assesses risk of flight for a person who is arrested, lodged, and unable to post bail within 24 hours of lodging shall be offered a risk assessment and, if

~~deemed appropriate by the pretrial services coordinator, a needs screening prior to arraignment.~~

(2) A person charged with an offense for which registration as a sex offender is required pursuant to chapter 167, subchapter 3 of this title or an offense punishable by a term of life imprisonment shall not be eligible under this section.

(3) Participation in risk assessment or needs screening shall be voluntary and a person's refusal to participate shall not result in any criminal legal liability to the person.

(4) In the event ~~an assessment or a~~ screening cannot be obtained prior to arraignment, the ~~risk assessment and~~ needs screening shall be conducted as soon as practicable.

(5) A person who qualifies pursuant to subdivision (1) of this subsection and who has an additional pending charge or a violation of probation shall not be excluded from being offered a ~~risk assessment or~~ needs screening unless the other charge is a listed crime.

(6) Any person charged with a criminal offense ~~or~~, a person who is the subject of a youthful offender petition pursuant to 33 V.S.A. § 5280, or a person 18 years of age or older who is the subject of a delinquency petition pursuant to 33 V.S.A. § 5201, except those persons identified in subdivision (2) of this subsection, may choose to engage with a pretrial services coordinator.

(c) The results of the risk assessment and needs screening shall be provided to the person and his or her attorney, the prosecutor, and the court. Pretrial services coordinators may share information only within the limitations of subsection (e) of this section.

(d)(1) At arraignment, the court may order a person who is eligible to engage with a pretrial services coordinator under subdivision (b)(6) of this section to do the following:

(A) meet with a pretrial services coordinator on a schedule set by the court;

(B) participate in a needs screening with a pretrial services coordinator; and

(C) participate in a clinical assessment by a substance abuse or mental health treatment provider and follow the recommendations of the provider.

(2) The court may order the person to engage in pretrial services. Pretrial services may include the pretrial services coordinator:

(A) supporting the person in meeting conditions of release imposed by the court, including the condition to appear for judicial proceedings; and

(B) connecting the person with community-based treatment programs, rehabilitative services, recovery supports, and restorative justice programs.

(3) If possible, the court shall set the date and time for the clinical assessment at arraignment. In the alternative, the pretrial services coordinator shall coordinate the date, time, and location of the clinical assessment and advise the court, the person and his or her attorney, and the prosecutor.

(4) An order authorized in subdivision (1) or (2) of this subsection shall be in addition to any conditions of release permitted by law and shall not limit the court in any way. Failure to comply with a court order authorized by subdivision (1) or (2) of this subsection shall not constitute a violation of section 7559 of this title.

(5) This section shall not be construed to limit a court's authority to impose conditions pursuant to section 7554 of this title.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

House Resolution Adopted

H.R. 7

House resolution, entitled

House resolution disapproving Executive Order 01-21

Was taken up.

Pending the question, Shall the House adopt the resolution?, **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 House adopt the resolution?, was decided in the affirmative. Yeas, 108. Nays, 40.

Those who voted in the affirmative are:

Ancel of Calais	Helm of Fair Haven	Ode of Burlington
Anthony of Barre City	Higley of Lowell *	Pajala of Londonderry
Austin of Colchester	Hooper of Montpelier	Partridge of Windham
Bartholomew of Hartland	Hooper of Randolph	Patt of Worcester
Birong of Vergennes	Hooper of Burlington *	Pearl of Danville
Black of Essex	Houghton of Essex	Pugh of South Burlington
Bluemle of Burlington	Howard of Rutland City	Rachelson of Burlington
Bock of Chester	James of Manchester	Redmond of Essex
Bongartz of Manchester	Jerome of Brandon	Rogers of Waterville
Bos-Lun of Westminster	Jessup of Middlesex	Satcowitz of Randolph
Brady of Williston	Killacky of South Burlington	Scheu of Middlebury
Briglin of Thetford	Kimbell of Woodstock	Seymour of Sutton
Brown of Richmond	Kitzmiller of Montpelier	Sheldon of Middlebury
Brownell of Pownal	Kornheiser of Brattleboro	Sibilia of Dover
Brumsted of Shelburne	LaLonde of South	Sims of Craftsbury
Burke of Brattleboro	Burlington	Small of Winooski
Burrows of West Windsor	Lanpher of Vergennes	Squirrell of Underhill
Campbell of St. Johnsbury	Lefebvre of Newark	Stebbins of Burlington
Chase of Colchester	Lefebvre of Orange	Stevens of Waterbury
Christie of Hartford	Lippert of Hinesburg	Sullivan of Dorset
Cina of Burlington	Long of Newfane	Surprenant of Barnard
Coffey of Guilford	Marcotte of Coventry	Taylor of Colchester
Colburn of Burlington	Masland of Thetford	Terenzini of Rutland Town
Colston of Winooski	McCarthy of St. Albans	Till of Jericho
Conlon of Cornwall	City*	Toleno of Brattleboro
Copeland Hanzas of	McCullough of Williston	Townsend of South
Bradford	Morris of Springfield	Burlington
Corcoran of Bennington	Morrissey of Bennington	Troiano of Stannard
Cordes of Lincoln	Mrowicki of Putney *	Vyhovsky of Essex
Dolan of Essex	Mulvaney-Stanak of	Walz of Barre City
Dolan of Waitsfield	Burlington	Webb of Shelburne
Donnally of Hyde Park	Murphy of Fairfax	White of Bethel
Durfee of Shaftsbury	Nicoll of Ludlow	White of Hartford
Elder of Starksboro	Nigro of Bennington	Whitman of Bennington
Emmons of Springfield	Norris of Shoreham	Wood of Waterbury
Gannon of Wilmington *	Notte of Rutland City	Yacovone of Morristown
Goldman of Rockingham	Noyes of Wolcott	Yantachka of Charlotte
Grad of Moretown	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown	Graham of Williamstown	Page of Newport City
Springs *	Gregoire of Fairfield *	Palasik of Milton
Arrison of Weathersfield	Hango of Berkshire	Parsons of Newbury *
Batchelor of Derby	Harrison of Chittenden	Peterson of Clarendon
Beck of St. Johnsbury	LaClair of Barre Town	Rosenquist of Georgia
Brennan of Colchester	Leffler of Enosburgh	Savage of Swanton
Burditt of West Rutland	Martel of Waterford	Scheuermann of Stowe
Canfield of Fair Haven	Martin of Franklin	Shaw of Pittsford

Cupoli of Rutland City	Mattos of Milton	Smith of Derby
Dickinson of St. Albans Town	McCoy of Poultney *	Smith of New Haven
Donahue of Northfield *	McFaun of Barre Town	Strong of Albany
Fagan of Rutland City	Morgan, L. of Milton	Toof of St. Albans Town
Feltus of Lyndon	Morgan, M. of Milton	Williams of Granby *
Goslant of Northfield *	Norris of Sheldon	

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

McCormack of Burlington

Rep. Achey of Middletown Springs explained her vote as follows:

“Madam Speaker:

This resolution was rushed through committee and onto this floor. I understand that there were witnesses who wished to give testimony but were not given the opportunity. I cannot support a resolution produced without due process.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

I cannot – I will not – vote in support of a non-emergency decision on which a formal vote was taken by a committee without public notice of the pending vote.”

Rep. Gannon of Wilmington explained his vote as follows:

“Madam Speaker:

I vote yes because the E.O. would potentially undermine the work that the General Assembly did in Act 166 last session to create an independent body to adjudicate the unprofessional conduct of law enforcement officers. I look forward to working on any legislation that the Governor presents us.”

Rep. Goslant of Northfield explained his vote as follows:

“Madam Speaker:

I support the merits of this change. Benefits of an agency structure include organizing our State's public safety assets for operational efficiencies and to provide better service to all Vermonters. It will help us have a mindful, equitable, fair, and re-producible system of criminal justice and public health service delivery to ensure that we are doing all we can in prevention and education, outreach, and early intervention, ensuring that accountability for those who require more traditional Court sanctions and incarceration are available, and more.

We do not have to take a vote on this until April. I feel this is a rushed decision that did not get the time and attention it deserves in order to contemplate the actual policy before shooting it down.

68.5% of Vermont voters supported Governor Scott in the last election. Vermonters clearly have faith in his judgment and leadership of this State. I believe he should be supported now. Thank you.”

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

I vote no today on principle. While I agree that a change this significant could benefit from a more thorough discussion, I believe it is important to be consistent in our positions. The resolution process appears to have been rushed and we have been told that executive orders are not the best way to govern. At the national level we have seen a modern record for executive actions with great support. So is the issue that executive orders are not the right way or is it actually that executive orders from a republican governor are not the right way. Consistency is important. We are either in this together or we are not.”

Rep. Higley of Lowell explained his vote as follows:

“Madam Speaker:

I will certainly support every effort to consider this proposal, in bill form, going forward in the Government Operations Committee.”

Rep. Hooper of Burlington explained his vote as follows:

“Madam Speaker:

I voted yes because this order did not seek the input of those most impacted by the resolution. The employees themselves.

The order was far reaching and unlike the former merger of Liquor and Lottery, was a hodge podge of picking one from this agency and another from another, employees, both sworn officers and line staff, saw that process as a breakdown in normally established patterns of communication, supervision, and work flow.

Many employees said they COULD support a change like this, but the ambiguity of this proposal and the seemingly limitless reach created a clear sense of fear on their part.

I consulted my constituents and acted on the information they provided along with the testimony in committee. I remain open to giving this proposal serious review in the traditional arena of a proposed piece of legislation.”

Rep. McCarthy of St. Albans City explained his vote as follows:

“Madam Speaker:

Changes to the delivery of services as essential as law enforcement and public safety must allow us to do our work as legislators, understanding all of the fiscal and policy effects and modifying the proposal as needed. An executive order leaves no room for us to do our work and improve upon its proposals. It is clear that this Executive Order leaves too many questions unresolved. The due process we need for such a proposal requires consideration of legislation. Our disapproval today does not close the door to future consideration of the merits of the Executive Order. I vote yes.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

Today, this body chose to ignore our constituents by not allowing them to testify on an executive order. Regardless of your position on Executive Order 01-21, we failed to live up to our duty to provide a free, open, and accessible government by not allowing these groups and organizations to testify. We must do a better job.

I appreciate, however, the commitment on the part of the Chair and Vice Chair of House Government Operations to work with the Administration on this plan and look forward to a draft committee bill. Thank you.”

Rep. Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

I vote yes, to bring this process to the full deliberations of the Legislature, not to have to approve a take-it-or-leave-it proposition with no option to offer amendment.

Trying to govern by executive orders leaves out the Legislature and the full process of as many committees needed, especially in an undertaking as large and complex as this. I certainly hope this does not represent a trend of trying to govern by executive order, that leaves the Legislature out of the process.

As for noting vote totals, the totals in both houses of the Legislature, that put twice as many members of one party to another in the Legislature are evidence enough of what Vermonters wanted - a balanced approach to Government.”

Rep. Parsons of Newbury explained his vote as follows:

“Madam Speaker:

I believe it is the obligation of this body to do our due diligence for the people we represent. With two months left to make a decision on this Executive Order and witnesses expressing a desire to testify, but going unheard in the process. I do not feel like that obligation has been met by this Committee, and that is why I am voting no today.”

Rep. Williams of Granby explained her vote as follows:

“Madam Speaker:

I feel this resolution was not given the opportunity for due processes. Our constituents need an opportunity to be heard.”

Adjournment

At eleven o'clock and twenty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 9, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 12.

Tuesday, February 9, 2021

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 devotional exercises.

Pledge of Allegiance

Speaker Krowinski 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. 205

By Reps. Masland of Thetford, Anthony of Barre City, McCullough of Williston, and Morris of Springfield,

House bill, entitled

An act relating to the Public Utility Commission and the cost of grid upgrades

To the Committee on Energy and Technology.

H. 206

By Reps. Masland of Thetford, Campbell of St. Johnsbury, Harrison of Chittenden, McCullough of Williston, and Troiano of Stannard,

House bill, entitled

An act relating to the creation of the bicycle safety vehicle registration plate

To the Committee on Transportation.

H. 207

By Reps. Birong of Vergennes, Hango of Berkshire, Sibilia of Dover, Austin of Colchester, Batchelor of Derby, Goslant of Northfield, Gregoire of Fairfield, Harrison of Chittenden, Lefebvre of Orange, Leffler of Enosburgh, Martel of Waterford, Morgan, L. of Milton, Morgan, M. of Milton, Morrissey of Bennington, Page of Newport City, Savage of Swanton, and Scheuermann of Stowe,

House bill, entitled

An act relating to establishing minimum qualifications to become the Adjutant General

To the Committee on General, Housing, and Military Affairs.

H. 208

By Rep. Hooper of Montpelier,

House bill, entitled

An act relating to exempting certain services from the requirements for unemployment insurance and workers' compensation coverage

To the Committee on Commerce and Economic Development.

H. 209

By Reps. Hooper of Montpelier, Bongartz of Manchester, Killacky of South Burlington, and Townsend of South Burlington,

House bill, entitled

An act relating to naming the State office building located at 133 State Street in Montpelier

To the Committee on Corrections and Institutions.

H. 210

By Reps. Cina of Burlington, Brady of Williston, Burrows of West Windsor, Christie of Hartford, Colburn of Burlington, Colston of Winooski,

Cordes of Lincoln, Donahue of Northfield, Houghton of Essex, James of Manchester, Lippert of Hinesburg, Morris of Springfield, Mulvaney-Stanak of Burlington, Pugh of South Burlington, Small of Winooski, Surprenant of Barnard, and Vyhovsky of Essex,

House bill, entitled

An act relating to addressing disparities and promoting equity in the health care system

To the Committee on Health Care.

H. 211

By Reps. Killacky of South Burlington, Noyes of Wolcott, Durfee of Shaftsbury, Houghton of Essex, Page of Newport City, Stevens of Waterbury, Townsend of South Burlington, Walz of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to recovery residences

To the Committee on General, Housing, and Military Affairs.

H. 212

By Reps. Rachelson of Burlington, Cina of Burlington, James of Manchester, Lippert of Hinesburg, Stebbins of Burlington, and Troiano of Stannard,

House bill, entitled

An act relating to expanding the distribution and availability of opioid antagonists

To the Committee on Human Services.

H. 213

By Reps. Masland of Thetford, Campbell of St. Johnsbury, Howard of Rutland City, McCullough of Williston, and Morris of Springfield,

House bill, entitled

An act relating to preventing death by suicide

To the Committee on Health Care.

H. 214

By Reps. Burrows of West Windsor, Beck of St. Johnsbury, Bluemle of Burlington, Killacky of South Burlington, Masland of Thetford, and Yantachka of Charlotte,

House bill, entitled

An act relating to proficiency-based learning

To the Committee on Education.

H. 215

By Reps. Rachelson of Burlington, Cupoli of Rutland City, Anthony of Barre City, Gregoire of Fairfield, Sibilia of Dover, Stebbins of Burlington, Toof of St. Albans Town, and Wood of Waterbury,

House bill, entitled

An act relating to creating a statewide school district

To the Committee on Education.

H. 216

By Reps. Brumsted of Shelburne, Christie of Hartford, Anthony of Barre City, Batchelor of Derby, Bock of Chester, Campbell of St. Johnsbury, Coffey of Guilford, Colston of Winooski, Gannon of Wilmington, Hango of Berkshire, Harrison of Chittenden, Houghton of Essex, Lefebvre of Newark, Leffler of Enosburgh, Masland of Thetford, Mrowicki of Putney, Pajala of Londonderry, Rosenquist of Georgia, Savage of Swanton, Scheu of Middlebury, Sibilia of Dover, Squirrell of Underhill, Stebbins of Burlington, Townsend of South Burlington, White of Bethel, White of Hartford, Wood of Waterbury, and Yantachka of Charlotte,

House bill, entitled

An act relating to the requirement for public high school students to demonstrate proficiency in civics as a condition of graduation

To the Committee on Education.

H. 217

By Reps. Scheuermann of Stowe, Higley of Lowell, Mrowicki of Putney, Page of Newport City, Patt of Worcester, Savage of Swanton, and Strong of Albany,

House bill, entitled

An act relating to the evaluation of Act 46

To the Committee on Education.

H. 218

By Reps. Surprenant of Barnard, Burke of Brattleboro, Burrows of West Windsor, Cina of Burlington, Colburn of Burlington, Donnally of Hyde Park,

Hooper of Randolph, Kornheiser of Brattleboro, Mulvaney-Stanak of Burlington, Pearl of Danville, Small of Winooski, and Vyhovsky of Essex,

House bill, entitled

An act relating to the sale of unpasteurized raw milk

To the Committee on Agriculture and Forestry.

H. 219

By Reps. Hango of Berkshire, Sibia of Dover, Birong of Vergennes, Austin of Colchester, Goslant of Northfield, Gregoire of Fairfield, Morgan, L. of Milton, Morgan, M. of Milton, Morrissey of Bennington, Norris of Sheldon, Ode of Burlington, Page of Newport City, Savage of Swanton, Scheuermann of Stowe, Squirrell of Underhill, Troiano of Stannard, and Wood of Waterbury,

House bill, entitled

An act relating to student loan repayment for members of the Vermont National Guard

To the Committee on Education.

H. 220

By Reps. Scheuermann of Stowe, Strong of Albany, and Toof of St. Albans Town,

House bill, entitled

An act relating to excluding reinvested capital gains from Vermont's income tax

To the Committee on Ways and Means.

H. 221

By Reps. Masland of Thetford, Anthony of Barre City, Beck of St. Johnsbury, Briglin of Thetford, Leffler of Enosburgh, McCullough of Williston, and Sullivan of Dorset,

House bill, entitled

An act relating to parental rights and responsibilities

To the Committee on Judiciary.

H. 222

By Rep. Webb of Shelburne,

House bill, entitled

An act relating to disclosure of adoption records

To the Committee on Judiciary.

Bill Referred to Committee on Appropriations

H. 135

House bill, entitled

An act relating to the State Ethics Commission

Appearing on the Calendar, carrying an appropriation, under Rule 35(a), was referred to the Committee on Appropriations.

Third Reading; Bill Passed

H. 20

House bill, entitled

An act relating to pretrial risk assessments and pretrial services

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

Joint Resolution Adopted in Concurrence

J.R.S. 13

Joint resolution, entitled

Joint resolution providing for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College

Was taken up and adopted in concurrence.

Joint Resolution Adopted in Concurrence

J.R.S. 14

Joint resolution, entitled

Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2021

Was taken up and adopted in concurrence.

Message from the Senate No. 16

A message was received from the Senate by Mr. Marshall, 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. 15. Joint resolution relating to weekend adjournment.

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

The Senate has adopted resolution of the following title:

S.R. 6. Senate resolution relating to disapproving of Executive Order 02-21.

Adjournment

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

Wednesday, February 10, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Stebbins of Burlington.

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. 223

By Reps. Norris of Sheldon, Anthony of Barre City, Batchelor of Derby, Dickinson of St. Albans Town, Gregoire of Fairfield, Leffler of Enosburgh, Masland of Thetford, Savage of Swanton, and Till of Jericho,

House bill, entitled

An act relating to establishing a hearsay exemption in cases involving cruelty to a child

To the Committee on Judiciary.

H. 224

By Rep. Taylor of Colchester,

House bill, entitled

An act relating to creating a Department of Corrections annual reporting

requirement

To the Committee on Corrections and Institutions.

H. 225

By Reps. Pugh of South Burlington, Brumsted of Shelburne, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Houghton of Essex, Killacky of South Burlington, Lippert of Hinesburg, Nicoll of Ludlow, Rachelson of Burlington, and Townsend of South Burlington,

House bill, entitled

An act relating to possession of a therapeutic dosage of buprenorphine

To the Committee on Human Services.

H. 226

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to regulating the markup on commissary and telecommunications prices in prisons

To the Committee on Corrections and Institutions.

H. 227

By Reps. Colston of Winooski and Small of Winooski,

House bill, entitled

An act relating to approval of amendments to the charter of the City of Winooski

To the Committee on Government Operations.

H. 228

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to prohibiting discrimination based on an individual's criminal history

To the Committee on General, Housing, and Military Affairs.

H. 229

By Reps. Vyhovsky of Essex, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Grad

of Moretown, Hooper of Burlington, Howard of Rutland City, Kornheiser of Brattleboro, Masland of Thetford, McCullough of Williston, Mrowicki of Putney, Nicoll of Ludlow, Rachelson of Burlington, Small of Winooski, Stebbins of Burlington, Surprenant of Barnard, Troiano of Stannard, White of Bethel, and Yantachka of Charlotte,

House bill, entitled

An act relating to performing green housing retrofits and installing rooftop solar panels, supporting an equitable transition to a zero-carbon building sector, creating high-quality union jobs and prioritizing the unionized workforce for conducting retrofits and workforce development, creating a progressive funding structure and prioritizing households with annual incomes of less than \$50,000.00, and ensuring that energy is affordable for lower-income Vermont residents

To the Committee on Energy and Technology.

H. 230

By Rep. Sullivan of Dorset,

House bill, entitled

An act relating to bail for probationers

To the Committee on Judiciary.

H. 231

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to mitigating factors in sentencing a minor for a crime

To the Committee on Judiciary.

H. 232

By Reps. Sims of Craftsbury, Bluemle of Burlington, Dolan of Waitsfield, Anthony of Barre City, Austin of Colchester, Brady of Williston, Briglin of Thetford, Brown of Richmond, Brumsted of Shelburne, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Colston of Winooski, Copeland Hanzas of Bradford, Grad of Moretown, James of Manchester, Lefebvre of Newark, McCullough of Williston, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, Sheldon of Middlebury, Small of Winooski, Stebbins of Burlington, Stevens of Waterbury, Surprenant of Barnard, Vyhovsky of Essex, and Yantachka of Charlotte,

House bill, entitled

An act relating to promoting land and home ownership and economic opportunity

To the Committee on Commerce and Economic Development.

H. 233

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to consumer protection and ensuring confidentiality of genetic information

To the Committee on Commerce and Economic Development.

H. 234

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to prohibiting employment discrimination based on caste

To the Committee on General, Housing, and Military Affairs.

H. 235

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to consumer protections related to involuntary towing and storage of motor vehicles and abandoned motor vehicles

To the Committee on Transportation.

H. 236

By Reps. Sabilia of Dover, Kornheiser of Brattleboro, McCormack of Burlington, Nicoll of Ludlow, Pajala of Londonderry, Seymour of Sutton, and Vyhovsky of Essex,

House bill, entitled

An act relating to ranked choice voting

To the Committee on Government Operations.

H. 237

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to statewide professional regulation standards for the licensure of applicants with criminal conviction histories

To the Committee on Government Operations.

Bill Referred to Committee on Appropriations

H. 81

House bill, entitled

An act relating to statewide public school employee health benefits

Appearing on the Calendar, carrying an appropriation, under Rule 35(a), was referred to the Committee on Appropriations.

Joint Resolution Adopted in Concurrence

J.R.S. 15

By Senator Balint,

J.R.S. 15. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 12, 2021, it be to meet again no later than Tuesday, February 16, 2021.

Was taken up, read, and adopted in concurrence.

Adjournment

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

Thursday, February 11, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. 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. 238

By Reps. Colburn of Burlington, Donnally of Hyde Park, and Rachelson of Burlington,

House bill, entitled

An act relating to qualification for a public defender

To the Committee on Judiciary.

H. 239

By Reps. Kornheiser of Brattleboro, Mulvaney-Stanak of Burlington, Anthony of Barre City, Burke of Brattleboro, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Hooper of Burlington, Small of Winooski, Surprenant of Barnard, Townsend of South Burlington, Troiano of Stannard, Vyhovsky of Essex, and Yantachka of Charlotte,

House bill, entitled

An act relating to establishing various employment standards and protections

To the Committee on General, Housing, and Military Affairs.

H. 240

By Reps. Bartholomew of Hartland and Burrows of West Windsor,

House bill, entitled

An act relating to computer voice stress analyzers

To the Committee on Judiciary.

H. 241

By Reps. Smith of New Haven, Norris of Shoreham, and Strong of Albany,

House bill, entitled

An act relating to establishing an ecosystems services tax credit

To the Committee on Agriculture and Forestry.

H. 242

By Reps. Grad of Moretown, Austin of Colchester, Birong of Vergennes, Bluemle of Burlington, Brumsted of Shelburne, Gregoire of Fairfield, Hango

of Berkshire, Hooper of Burlington, Killacky of South Burlington, Martel of Waterford, Masland of Thetford, Morgan, M. of Milton, Norris of Sheldon, Ode of Burlington, Page of Newport City, Savage of Swanton, Stevens of Waterbury, Strong of Albany, Sullivan of Dorset, and Townsend of South Burlington,

House bill, entitled

An act relating to veteran status inquiries on program and service intake forms

To the Committee on Human Services.

H. 243

By Reps. McFaun of Barre Town, Brumsted of Shelburne, Pajala of Londonderry, and Wood of Waterbury,

House bill, entitled

An act relating to the Working Group on Services for Adults with Autism

To the Committee on Human Services.

H. 244

By Reps. Partridge of Windham, Lippert of Hinesburg, Bartholomew of Hartland, Beck of St. Johnsbury, Coffey of Guilford, Cordes of Lincoln, James of Manchester, Masland of Thetford, Mrowicki of Putney, Ode of Burlington, Stebbins of Burlington, Surprenant of Barnard, White of Bethel, and White of Hartford,

House bill, entitled

An act relating to authorizing the natural organic reduction of human remains

To the Committee on General, Housing, and Military Affairs.

H. 245

By Reps. Christie of Hartford and Cina of Burlington,

House bill, entitled

An act relating to increasing the membership of and providing funding to the Vermont Ethnic and Social Equity Standards Advisory Working Group

To the Committee on Education.

H. 246

By Rep. Rosenquist of Georgia,

House bill, entitled

An act relating to imposing legislative term limits

To the Committee on Government Operations.

H. 247

By Reps. Rachelson of Burlington and Christie of Hartford,

House bill, entitled

An act relating to racial impact statements

To the Committee on Government Operations.

H. 248

By Reps. Rosenquist of Georgia, Hango of Berkshire, Morrissey of Bennington, Peterson of Clarendon, and Strong of Albany,

House bill, entitled

An act relating to establishing fetal personhood

To the Committee on Human Services.

H. 249

By Reps. Grad of Moretown and Rachelson of Burlington,

House bill, entitled

An act relating to presumptive diversion to treatment court

To the Committee on Judiciary.

Message from the Senate No. 17

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 considered a bill originating in the House of the following title:

H. 138. An act relating to fiscal year 2021 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.

Adjournment

At one o'clock and twenty-six 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 12, 2021

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. Yantachka of Charlotte.

House Bills Introduced

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

H. 250

By Reps. Rosenquist of Georgia, Mrowicki of Putney, Gregoire of Fairfield, and Hango of Berkshire,

House bill, entitled

An act relating to strict liability for damages caused by domestic dogs

To the Committee on Judiciary.

H. 251

By Reps. Hooper of Burlington, Anthony of Barre City, Austin of Colchester, Colston of Winooski, Masland of Thetford, Noyes of Wolcott, Ode of Burlington, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, and Yantachka of Charlotte,

House bill, entitled

An act relating to harassing marketing or solicitation of vulnerable adults

To the Committee on Human Services.

H. 252

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to requiring the Vermont General Assembly to approve the use of new criminal investigation and prosecution technologies by law

enforcement officers

To the Committee on Judiciary.

H. 253

By Rep. Grad of Moretown,

House bill, entitled

An act relating to requiring the written acknowledgement of the grantee for deeds conveying an interest in real estate

To the Committee on Judiciary.

H. 254

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to municipal authority to regulate the possession, use, and manufacture of knives

To the Committee on Government Operations.

H. 255

By Reps. Dickinson of St. Albans Town, Norris of Sheldon, and Savage of Swanton,

House bill, entitled

An act relating to voter approval of water supply rates

To the Committee on Government Operations.

H. 256

By Reps. Stevens of Waterbury, Anthony of Barre City, Austin of Colchester, Bluemle of Burlington, Colston of Winooski, Dolan of Essex, Houghton of Essex, Killacky of South Burlington, Kitzmiller of Montpelier, Masland of Thetford, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Ode of Burlington, Squirrell of Underhill, Sullivan of Dorset, Townsend of South Burlington, Troiano of Stannard, and Walz of Barre City,

House bill, entitled

An act relating to improving rental housing health and safety

To the Committee on General, Housing, and Military Affairs.

H. 257

By Reps. Kornheiser of Brattleboro, Anthony of Barre City, Bos-Lun of

Westminster, Burke of Brattleboro, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Hooper of Burlington, Howard of Rutland City, Patt of Worcester, Satcowitz of Randolph, Surprenant of Barnard, Townsend of South Burlington, Troiano of Stannard, Vyhovsky of Essex, and Yantachka of Charlotte,

House bill, entitled

An act relating to business practices for employers receiving State funds

To the Committee on General, Housing, and Military Affairs.

Adjournment

At nine o'clock and thirty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 12, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 15.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 15

House concurrent resolution congratulating the Putney Food Co-op on its 80th anniversary

H.C.R. 16

House concurrent resolution extending future best wishes to and honoring Ikey Spear for her leadership as an outstanding social work practitioner and educator

H.C.R. 17

House concurrent resolution honoring former Vermont House Clerk William M. MaGill for his notable contributions to the State legislative process

[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 2021, seventy-sixth Biennial session.]

Tuesday, February 16, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Colston of Winooski.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 18

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 considered joint resolutions originating in the House of the following titles:

H.C.R. 15. House concurrent resolution congratulating the Putney Food Co-op on its 80th anniversary.

H.C.R. 16. House concurrent resolution extending future best wishes to and honoring Ikey Spear for her leadership as an outstanding social work practitioner and educator.

H.C.R. 17. House concurrent resolution honoring former Vermont House Clerk William M. MaGill for his notable contributions to the State legislative process.

And has adopted the same in concurrence.

House Bills Introduced

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

H. 258

By Reps. Killacky of South Burlington, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Brady of Williston, Burrows of West Windsor, Chase of Colchester, Colston of Winooski, Hooper of Burlington, Howard of Rutland City, Kitzmiller of Montpelier, Kornheiser of Brattleboro, McCullough of Williston, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Patt of Worcester, Pugh of South Burlington, Rachelson of Burlington, Satcowitz of Randolph, Small of Winooski, Stevens of Waterbury, Surprenant

of Barnard, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Troiano of Stannard, and Walz of Barre City,

House bill, entitled

An act relating to increasing the minimum wage to \$15.00

To the Committee on General, Housing, and Military Affairs.

H. 259

By Rep. Rosenquist of Georgia,

House bill, entitled

An act relating to the beverage container redemption system

To the Committee on Natural Resources, Fish, and Wildlife.

H. 260

By Reps. Colburn of Burlington, Anthony of Barre City, Bluemle of Burlington, Brady of Williston, Cina of Burlington, Grad of Moretown, Masland of Thetford, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Notte of Rutland City, Ode of Burlington, Page of Newport City, Rachelson of Burlington, Small of Winooski, Stevens of Waterbury, Sullivan of Dorset, Surprenant of Barnard, Till of Jericho, and White of Hartford,

House bill, entitled

An act relating to requiring menstrual hygiene products in public school restrooms for grades six through 12 and in correctional facilities

To the Committee on Human Services.

H. 261

By Reps. Beck of St. Johnsbury and Masland of Thetford,

House bill, entitled

An act relating to eliminating the sales and use tax exemption for prewritten software accessed remotely

To the Committee on Ways and Means.

H. 262

By Reps. Smith of Derby, Batchelor of Derby, Gregoire of Fairfield, Hango of Berkshire, Higley of Lowell, Houghton of Essex, McCormack of Burlington, and Page of Newport City,

House bill, entitled

An act relating to penalties and point assessments for using a portable

electronic device while operating a moving motor vehicle

To the Committee on Transportation.

H. 263

By Reps. Cina of Burlington, Anthony of Barre City, Colburn of Burlington, Cordes of Lincoln, Lippert of Hinesburg, Toleno of Brattleboro, and Wood of Waterbury,

House bill, entitled

An act relating to State development, use, and procurement of automated decision systems

To the Committee on Energy and Technology.

H. 264

By Reps. Burrows of West Windsor, Batchelor of Derby, Bluemle of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Cina of Burlington, Harrison of Chittenden, Howard of Rutland City, Killacky of South Burlington, Masland of Thetford, McCullough of Williston, Ode of Burlington, Page of Newport City, Pajala of Londonderry, Rachelson of Burlington, Small of Winooski, Surprenant of Barnard, Vyhovsky of Essex, Wood of Waterbury, Yacovone of Morristown, and Yantachka of Charlotte,

House bill, entitled

An act relating to trail accessibility

To the Committee on Human Services.

H. 265

By Reps. Noyes of Wolcott, Brumsted of Shelburne, Austin of Colchester, Bluemle of Burlington, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Houghton of Essex, Kornheiser of Brattleboro, Nicoll of Ludlow, Pajala of Londonderry, Small of Winooski, Stebbins of Burlington, and Wood of Waterbury,

House bill, entitled

An act relating to the Office of the Child Advocate

To the Committee on Human Services.

H. 266

By Reps. Wood of Waterbury, Anthony of Barre City, Brady of Williston, Cordes of Lincoln, Goldman of Rockingham, Hango of Berkshire, Hooper of Burlington, Howard of Rutland City, Killacky of South Burlington, Kornheiser

of Brattleboro, Nicoll of Ludlow, Noyes of Wolcott, Ode of Burlington, Patt of Worcester, Squirrell of Underhill, Sullivan of Dorset, Vyhovsky of Essex, White of Bethel, Whitman of Bennington, and Yantachka of Charlotte,

House bill, entitled

An act relating to an incremental approach to health insurance coverage for hearing aids

To the Committee on Health Care.

Ceremonial Reading

H.C.R. 17

House concurrent resolution honoring former Vermont House Clerk William M. MaGill for his notable contributions to the State legislative process

Offered by: All Members of the House

Having been adopted in concurrence on Friday, February 12, 2021 in accord with Joint Rule 16b, was read.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 232

Rep. Marcotte of Coventry moved that the Committee on Commerce and Economic Development be relieved of House bill, entitled

An act relating to promoting land and home ownership and economic opportunity

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

Point of Order; Devotional Journalized

Rep. Beck of St. Johnsbury moved to journalize the devotional remarks made by **Rep. Colston of Winooski**.

Rep. Donahue of Northfield raised a point of order in that devotional remarks should not be journalized. The Speaker ruled that the point of order was not well taken based on journalized precedent, but referred the House policy for journalization of devotional remarks to the Rules Committee for review.

On motion of **Rep. Beck of St. Johnsbury**, the following devotional remarks by **Rep. Colston of Winooski** were ordered printed in the Journal:

“Madam Speaker:

It is February 2021 and it is Black History Month. I don't believe there should be a Black History Month. Why? Because it tokenizes black history. While its inception was a noble one from Carter G. Woodson who established Negro History Week in 1926, its reception for me is 'less than,' a minority report for BIPOC. And, then I cascade into an abyss abhorring the word 'minority,' which is pejorative at its root. Less than, not good enough, inferior. I am not inferior! I don't think it is possible to bring attention in one month to the myriad of contributions conceived, created, and consummated by Americans who descended from African slaves. black history has happened every day of every month of every year that this country has existed. Since 1619! When our country honestly looks into the mirror, this is beyond impact!

James Baldwin, who I regard as one of Black America's most prolific prophets, wrote a book entitled 'Remember this House.' He was only able to write 30 pages before he passed. This work became an award-winning documentary 'I Am Not Your Negro.'

This is how Baldwin defined a Negro. 'What white people need to do is to find out why it was necessary in the first place to have a Negro. Because I am not a Negro; I am a man. If you think I am a Negro, it is because you need it. If I am a Negro here, then you the white people invented him. Then, you have to find out why. The future of our country depends on that, whether or not it has even asked that question.

What if the Negro was not invented? How would our country have worked without chattel slavery, the exploitation of black and brown people who became the backbone of our capitalistic system? Who would you be? Who would we be?'

Dr. Martin Luther King, Jr. once said, 'We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.'

One way this garment manifests itself for me is through structural racism. Structural racism is the normalization of many dynamics that are historical, cultural, institutional, and interpersonal and routinely advantages white people while producing chronic, adverse outcomes for people of color. All of us are wounded by this system. All of us are oppressed by this system. All of us lose part of our humanity because of this system. When our country honestly looks into the mirror, this is beyond reflection.

So, when you look into the mirror, do you see an impact or a reflection? Is your life a reflection of the American experience of white supremacy culture, and I am not talking about 'white hoods,' but 'white dominance' of nearly

every institution in this country? Or is your life an impact of social and racial equity that must shape our country, our state, our communities to be a 'more perfect union?' Are you making an impact or making a reflection?

Thank you.”

Remarks Journalized

On motion of **Rep. LaClair of Barre Town**, the following remarks by **Rep. McCoy of Poultney** were ordered printed in the Journal:

“Madam Speaker:

It has been an honor serving as a six year member of the State Legislature, and when we are able after COVID, to gather in the place we call the ‘People’s House.’ We call it the People’s House because all are welcome and we think of it as a sort of a home away from home, as we interact with our constituency, lobbyists and most especially the staff.

Bill MaGill exemplified that one member of our ‘People’s House Household’ to whom you could go and ask a parliamentary question, sit in his office and talk sports, especially high school track, or just relax and share a cup of coffee.

We all relied on Bill for questions regarding particular bills, amendments, dividing the question, sequencing of order of amendments, etc. Additionally, we would go to Bill to ask for different scenarios, for example, what would happen if we did this, or what would happen if we did that. I don’t know about the rest of you but I got lost when Bill started talking about the fifth instance of amendment!

For 18 years Bill MaGill served this House, our House, the People’s House, with honor and integrity. He has been a fine and true faithful servant. On behalf of all House members, I sincerely thank Bill MaGill for his selfless public service to our great State of Vermont and wish him well as he embarks on his next journey. Be well, my friend.”

Second Reading; Committee Report Offered; Consideration Interrupted

H. 81

Rep. Walz of Barre City, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill entitled,

An act relating to statewide public school employee health benefits

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

Sec. 1. 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” means:

(A) includes the following individuals:

(A)(i) an individual employed by a ~~supervisory union~~ or school district employer as a teacher or administrator as defined in section 1981 of this title; or

~~(B)(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.

Sec. 2. 16 V.S.A. § 2102 is amended to read:

§ 2102. COMMISSION ON PUBLIC SCHOOL EMPLOYEE HEALTH

BENEFITS CREATED

* * *

(b) Composition and appointment.

(1) The Commission shall have 10 members, of whom five shall be representatives of school employees and five shall be representatives of school employers.

(2)(A) The representatives of school employees shall be appointed as follows:

(i) four members appointed by the labor organization representing the greatest number of teachers, administrators, and municipal school employees in this State; and

(ii) one member appointed by the labor organization representing the second-greatest number of teachers, administrators, and municipal school employees in this State.

* * *

(d) Removal of Commission members. Members of the Commission may be removed only for cause. The Commission shall adopt rules pursuant to 3 V.S.A. chapter 25 to define the basis and process for removal by the appointing authority of the member without cause.

* * *

(f) Compensation. Commission members shall be entitled to receive per diem compensation and reimbursement of expenses pursuant to as permitted under 32 V.S.A. § 1010 for not more than 20 meetings per year.

(g) Release time. A school district that employs a member of the Commission, or an alternate member of the Commission under subsection (j) of this section, who represents school employees or school employers shall grant the Commission member time off as necessary for the member to attend meetings of the Commission.

(h) Staffing and expenses. The Commission may hire staff as it deems necessary to carry out its duties under this chapter. Compensation for Commission staff and administrative expenses of the Commission shall be shared equally by school employers and school employees. The representatives of school employers and the representatives of school employees shall equitably apportion their share of the costs of compensation and administrative expenses among their members.

~~(h)~~(i) Rulemaking. The Commission may adopt rules or procedures, or both, pursuant to 3 V.S.A. chapter 25 as needed to carry out its duties under this chapter.

(j) Alternate members.

(1) Four alternate members may be appointed to the Commission.

(2) Up to two alternate members may be appointed by representatives of school employees and up to two members may be appointed by representatives of school employers.

(3) The term of each alternate member, if appointed, shall be six years.

(4) An alternate member may serve temporarily in the role as a member appointed under subsection (b) of this section only in the absence of an appointed member and shall not otherwise have participation or voting rights in Commission business.

(5) An alternate member shall be appointed to be a full member of the Commission by the alternate member's appointing authority upon the resignation or removal of a full member.

(6) In the event of a vacancy of an alternate member, the appointing authority of the alternate member shall appoint a successor to serve out the remainder of the alternate member's term.

(7) Alternate members may be removed by the appointing authority of the alternate member without cause.

(k) Funding. The Commission shall request the Governor to include in the Governor's annual budget a minimum of \$35,000.00 appropriated to the Agency of Education for per diem compensation and reimbursement of expenses for members of the Commission. Any unencumbered appropriation shall revert to the General Fund in the year following the conclusion of an agreement under subdivision 2104(b)(1) of this title.

Sec. 3. APPROPRIATION

The sum of \$35,000.00 is appropriated to the Agency of Education from the General Fund for fiscal year 2022 for per diem compensation and reimbursement of expenses for members of the Commission.

Sec. 4. 16 V.S.A. § 2103 is amended to read:

§ 2103. DUTIES OF THE COMMISSION

(a) The Commission shall determine the percentage of the premium for individual, two-person, parent-child, and family coverage under a health benefit plan that shall be borne by each school employer and the percentage that shall be borne by participating employees.

(1) The premium responsibility percentages shall remain in effect for the entire plan year.

(2) Each school employer shall be responsible for paying, on behalf of all of its participating school employees, the applicable percentages of premium costs as determined by the Commission.

~~(3) The premium responsibility percentages for each plan tier shall be the same for all participating employees.~~

(b)(1) The Commission shall determine the amount of school participating employees' calendar year out-of-pocket expenses for which the school employer and the school participating employees shall be responsible, and whether school employers shall establish a health reimbursement arrangement, a health savings account, both, or neither, for their participating employees.

* * *

~~(3) The school employers' and school employees' responsibilities for out-of-pocket expenses for each plan tier shall be the same for all participating employees.~~

* * *

(d) The Commission shall not make any determinations regarding school employer or school participating employee responsibilities with respect to stand-alone vision or dental benefits.

(e) The Commission may negotiate a statewide grievance procedure for disputes concerning public school employee health benefits.

(f) In no case shall a school employee receive cash in lieu of receipt of healthcare benefits from one school employer while simultaneously receiving health care benefits from the same or another school employer.

(g) Accommodations shall be made for school employees whose workload is shared between more than one school employer, and who may not otherwise qualify for health care benefits from only one school employer. The affected school employers shall determine the proportionate portion of the shared costs of the health benefits.

Sec. 5. 16 V.S.A. § 2104 is amended to read:

§ 2104. NEGOTIATION; TIME TO BEGIN; GOOD FAITH; WRITTEN AGREEMENT

(a)(1) The Commission shall commence negotiation of the matters set forth in subsections 2103(a) and (b) of this chapter not later than April 1 of the year before the existing agreement pursuant to this section is set to expire. On or before October 1 of the year prior to commencement of bargaining, the Commission shall request from the parties any data and information that it anticipates needing for the negotiation in a common format, and on or before February 1 of the year of bargaining, the parties shall submit to the Commission the information requested.

* * *

Sec. 5a. 16 V.S.A. § 2104 is amended to read:

§ 2104. NEGOTIATION; TIME TO BEGIN; GOOD FAITH; WRITTEN
AGREEMENT

(a)(1) The Commission shall commence negotiation of the matters set forth in subsections 2103(a) and (b) of this chapter not later than April 1 of the year before the existing agreement pursuant to this section is set to expire. On or before October 1 of the year prior to commencement of bargaining, the Commission shall request from the parties any data and information that it anticipates needing for the negotiation in a common format, and on or before February 1 of the year of bargaining, the parties shall submit to the Commission the information requested.

* * *

(3)(A) The Commission shall select a person to serve as a fact finder to assist it in resolving any matters remaining in dispute in the event that the Commission is unable to reach an agreement by August 1. The fact finder shall be selected by a vote of a majority of the representatives of school employees and of a majority of the representatives of school employers. If the Commission cannot agree on a fact finder by April 5, the American Arbitration Association shall be asked to appoint the fact finder.

(B)(i) The Commission shall mutually agree on an arbitrator by April 5 to decide all matters remaining in dispute if it is unable to reach an agreement within 30 days after receiving the fact finder's report.

(ii) If the Commission is unable to mutually agree on an arbitrator, it shall either request the Vermont Labor Relations Board (VLRB) to decide all matters remaining in dispute or form a three-member panel of arbitrators to be selected as follows:

(I) One arbitrator shall be selected by the representatives of school employees ~~from a list prepared by the American Arbitration Association.~~

(II) One arbitrator shall be selected by the representatives of school employers ~~from a list prepared by the American Arbitration Association.~~

(III) The Commission shall request the services of the American Arbitration Association for the appointment of the third arbitrator.

(b)(1) The Commission shall enter into a written agreement incorporating all matters agreed to in negotiation.

(2) The terms of the agreement or the VLRB or arbitration award shall be incorporated by reference into all collective bargaining agreements for school employees.

(c) The term of each agreement shall be negotiated by the Commission but shall not be less than two years.

Sec. 6. 16 V.S.A. § 2105 is amended to read:

§ 2105. DISPUTE RESOLUTION

* * *

(b)(1) If the Commission is unable to resolve all matters remaining in dispute within 30 days after receiving the fact finder's report, the Commission shall submit the matters remaining in dispute to the arbitrator or arbitrators selected pursuant to section 2104 of this chapter for resolution.

(2) The representatives of school employees and the representatives of school employers shall submit to the arbitrator or arbitrators their last best offer on all issues remaining in dispute prior to the arbitration hearing. The arbitrator or arbitrators shall select one of the last best offers without amendment, submitted by the parties prior to the arbitration hearing in its entirety without amendment. The parties shall not be permitted to modify their last best offers post hearing. Prior to the issuance of the decision of the arbitrator or arbitrators, nothing shall prohibit the parties from settling the matters in dispute.

(3)(A) The arbitrator or arbitrators shall hold a hearing on or before November 15 at which the Commission members shall submit all relevant evidence, documents, and written material, including a cost estimate for the term of the proposal with a breakdown of costs borne by employers and costs borne by employees, and each member may submit oral or written testimony in support of his or her position on any undecided issue that is subject to arbitration.

* * *

(4) The arbitrator or arbitrators shall issue ~~their~~ a written decision within 30 days after the hearing, providing a full explication of the basis for the decision. The decision of the arbitrator or arbitrators shall be final and binding upon the Commission and all school employees and school employers. The decision shall not be subject to ratification.

(5) Upon the petition of a ~~Commission member~~ majority of the employer or the employee members within not more than 15 days following the arbitration decision, a Superior Court shall vacate the decision if:

* * *

Sec. 6a. 16 V.S.A. § 2105 is amended to read:

§ 2105. DISPUTE RESOLUTION

* * *

(b)(1) If the Commission is unable to resolve all matters remaining in dispute within 30 days after receiving the fact finder's report, the Commission shall submit the matters remaining in dispute to the VLRB, arbitrator, or arbitrators selected pursuant to section 2104 of this chapter for resolution.

(2) The representatives of school employees and the representatives of school employers shall submit to the VLRB, arbitrator, or arbitrators their last best offer on all issues remaining in dispute prior to the VLRB or arbitration hearing. The VLRB, arbitrator, or arbitrators shall select one of the last best offers without amendment, submitted by the parties prior to the VLRB or arbitration hearing in its entirety without amendment. The parties shall not be permitted to modify their last best offers post hearing. Prior to the issuance of the decision of the VLRB, arbitrator, or arbitrators, nothing shall prohibit the parties from settling the matters in dispute.

(3)(A) The VLRB, arbitrator, or arbitrators shall hold a hearing on or before November 15 at which the Commission members shall submit all relevant evidence, documents, and written material, including a cost estimate for the term of the proposal with a breakdown of costs borne by employers and costs borne by employees, and each member may submit oral or written testimony in support of his or her position on any undecided issue that is subject to arbitration.

(B) In reaching a decision, the VLRB, arbitrator, or arbitrators shall give weight to the evidence, documents, written material, and arguments presented, as well as the following factors:

* * *

(4) The VLRB, arbitrator, or arbitrators shall issue a written decision within 30 days after the hearing, providing a full explication of the basis for the decision. The decision of the VLRB, arbitrator, or arbitrators shall be final and binding upon the Commission and all school employees and school employers. The decision shall not be subject to ratification.

(5) Upon the petition of a majority of the employer or the employee members within not more than 15 days following the VLRB or arbitration decision, the Vermont Supreme Court, in the case of a VLRB decision, or a Superior Court in the case of an arbitration decision, shall vacate the decision if:

(A) it was procured by corruption, fraud, or other undue means;

(B) there was evident partiality or prejudicial misconduct by the VLRB or arbitrator or by individual members of the VLRB or ~~arbitrators~~ arbitration panel;

(C) the VLRB, arbitrator, or arbitrators exceeded its or their power or rendered a decision requiring a person to commit an act or engage in conduct prohibited by law; or

(D) there is an absence of substantial evidence on the record as a whole to support the decision.

(6) At any time prior to the issuance of a decision by the VLRB, arbitrator, or arbitrators, the Commission may notify the VLRB, arbitrator, or arbitrators of any additional issues on which a majority of the representatives of school employees and of the representatives of school employers have reached agreement.

(7) If any provision of this subsection is inconsistent with any other provision of law governing arbitration, this subsection shall govern.

(c) The VLRB, arbitrator, or arbitrators shall have the authority to address complaints that either party has engaged in or is engaging in unfair bargaining practices, including a refusal to bargain in good faith. If the VLRB, arbitrator, or arbitrators find upon a preponderance of the evidence that a party has engaged in or is engaging in any unfair bargaining practice, the VLRB, arbitrator, or arbitrators may include in the decision a remedy for the unfair bargaining practice that is consistent with the provisions of 21 V.S.A. § 1727(d).

Sec. 7. EFFECTIVE DATES

Secs. 5a and 6a shall take effect on January 1, 2022. This section and the remaining sections of this act shall take effect on passage.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended the bill ought to pass when amended by the Committee on General, Housing, and Military Affairs.

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

Recess

At ten o'clock and forty-eight minutes in the forenoon, the Speaker declared a recess until eleven and fifteen minutes in the forenoon.

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

Consideration Resumed

H. 81

Consideration resumed on House bill, entitled

An act relating to statewide public school employee health benefits

Pending the question, Shall the bill be amended as offered by the Committee on General, Housing, and Military Affairs?, **Rep. Beck of St. Johnsbury** moved to amend the report of the Committee on General, Housing, and Military Affairs as follows:

In Sec. 4, 16 V.S.A. § 2103, by striking out subdivision (a)(3) in its entirety and inserting in lieu thereof the following:

(3) The premium responsibility percentages for each plan tier shall be ~~the same for all participating employees~~ subject to bargaining, provided that if the Commission decides to assign a lower premium responsibility to certain school employees within a plan tier, the school employees for whom the lower premium responsibility is assigned shall be based on household income as defined under 32 V.S.A. § 6061(4) and (5).

Recess

At eleven o'clock and forty-four minutes in the forenoon, the Speaker declared a recess until twelve o'clock and twenty minutes in the afternoon.

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

Consideration Resumed

H. 81

Consideration resumed on House bill, entitled

An act relating to statewide public school employee health benefits

Pending the question, Shall the report of the Committee on General, Housing, and Military Affairs be amended as recommended by Rep. Beck of St. Johnsbury?, **Rep. Beck of St. Johnsbury** 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, Housing, and Military Affairs be amended as recommended by Rep. Beck of St. Johnsbury?, was decided in the negative. Yeas, 43. Nays, 103.

Those who voted in the affirmative are:

Achey of Middletown Springs	Hango of Berkshire	Norris of Sheldon
Batchelor of Derby	Harrison of Chittenden	Page of Newport City
Beck of St. Johnsbury	Higley of Lowell	Palasik of Milton
Brennan of Colchester	LaClair of Barre Town	Parsons of Newbury
Burditt of West Rutland	Lefebvre of Orange	Peterson of Clarendon
Canfield of Fair Haven	Leffler of Enosburgh	Rosenquist of Georgia
Cupoli of Rutland City	Marcotte of Coventry	Savage of Swanton
Dickinson of St. Albans Town	Martel of Waterford	Scheuermann of Stowe
Donahue of Northfield	Martin of Franklin	Shaw of Pittsford
Fagan of Rutland City	Mattos of Milton	Smith of Derby
Feltus of Lyndon	McCoy of Poultney	Smith of New Haven
Goslant of Northfield	McFaun of Barre Town	Strong of Albany
Gregoire of Fairfield	Morgan, L. of Milton	Terenzini of Rutland Town
	Morgan, M. of Milton	Toof of St. Albans Town
	Morrissey of Bennington	Williams of Granby

Those who voted in the negative are:

Ancel of Calais	Gannon of Wilmington	Pajala of Londonderry
Anthony of Barre City	Goldman of Rockingham	Partridge of Windham
Arrison of Weathersfield	Grad of Moretown	Patt of Worcester
Austin of Colchester	Hooper of Montpelier	Pearl of Danville
Bartholomew of Hartland	Hooper of Randolph	Pugh of South Burlington
Birong of Vergennes	Hooper of Burlington	Rachelson of Burlington
Black of Essex	Houghton of Essex	Redmond of Essex
Bluemle of Burlington	Howard of Rutland City	Rogers of Waterville
Bock of Chester	James of Manchester	Satcowitz of Randolph
Bongartz of Manchester	Jerome of Brandon	Scheu of Middlebury
Bos-Lun of Westminster	Jessup of Middlesex	Seymour of Sutton
Brady of Williston	Killacky of South Burlington	Sheldon of Middlebury
Briglin of Thetford	Kimbell of Woodstock	Sibilia of Dover
Brown of Richmond	Kitzmiller of Montpelier	Sims of Craftsbury
Brownell of Pownal	Kornheiser of Brattleboro	Small of Winooski
Brumsted of Shelburne	LaLonde of South Burlington	Squirrell of Underhill
Burke of Brattleboro	Lanpher of Vergennes	Stebbins of Burlington
Burrows of West Windsor	Lefebvre of Newark	Stevens of Waterbury
Campbell of St. Johnsbury	Lippert of Hinesburg	Sullivan of Dorset
Chase of Colchester	Long of Newfane	Surprenant of Barnard
Christie of Hartford	Masland of Thetford	Taylor of Colchester
Cina of Burlington	McCarthy of St. Albans City	Till of Jericho *
Coffey of Guilford	McCullough of Williston	Toleno of Brattleboro
Colburn of Burlington	Morris of Springfield	Townsend of South Burlington
Colston of Winooski	Mrowicki of Putney	Troiano of Stannard
Conlon of Cornwall	Mulvaney-Stanak of Burlington	Vyhovsky of Essex
Copeland Hanzas of Bradford	Murphy of Fairfax	Walz of Barre City
Corcoran of Bennington	Nicoll of Ludlow	Webb of Shelburne
Cordes of Lincoln	Nigro of Bennington	White of Bethel
Dolan of Essex	Norris of Shoreham	White of Hartford
Dolan of Waitsfield	Notte of Rutland City	Whitman of Bennington
Donnally of Hyde Park		Wood of Waterbury

Durfee of Shaftsbury
Elder of Starksboro
Emmons of Springfield

Noyes of Wolcott
O'Brien of Tunbridge
Ode of Burlington

Yacovone of Morristown
Yantachka of Charlotte

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

Graham of Williamstown

Helm of Fair Haven

McCormack of Burlington

Rep. Till of Jericho explained his vote as follows:

“Madam Speaker:

I vote no. Household income includes the income of unrelated individuals living in the same household. It makes absolutely no sense that the income of an unrelated individual should be considered in determining a person's health care insurance premiums.”

Recess

At one o'clock and thirty-seven minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Consideration Resumed; Third Reading Ordered

H. 81

Consideration resumed on House bill, entitled

An act relating to statewide public school employee health benefits

Pending the question, Shall the bill be amended as offered by the Committee on General, Housing, and Military Affairs?, **Rep. Sibilia of Dover** moved to commit the bill to the Committee on Education.

Pending the question, Shall the bill be committed to the Committee on Education?, **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 bill be referred to the Committee on Education?, was decided in the negative. Yeas, 50. Nays, 96.

Those who voted in the affirmative are:

Achey of Middletown
Springs
Batchelor of Derby
Brennan of Colchester
Burditt of West Rutland
Canfield of Fair Haven

Lefebvre of Newark
Lefebvre of Orange
Leffler of Enosburgh
Marcotte of Coventry
Martel of Waterford
Martin of Franklin

Pajala of Londonderry
Palasik of Milton
Parsons of Newbury
Peterson of Clarendon
Rosenquist of Georgia
Savage of Swanton

Dickinson of St. Albans Town	Mattos of Milton	Scheuermann of Stowe
Donahue of Northfield	McCoy of Poultney	Seymour of Sutton
Fagan of Rutland City	McFaun of Barre Town	Shaw of Pittsford
Feltus of Lyndon	Morgan, L. of Milton	Sibilia of Dover
Goslant of Northfield	Morgan, M. of Milton	Smith of Derby
Gregoire of Fairfield	Morrissey of Bennington	Smith of New Haven
Hango of Berkshire	Murphy of Fairfax	Strong of Albany
Harrison of Chittenden	Norris of Sheldon	Sullivan of Dorset
Helm of Fair Haven	Norris of Shoreham	Terenzini of Rutland Town
Higley of Lowell	Notte of Rutland City	Toof of St. Albans Town
LaClair of Barre Town	Page of Newport City	Williams of Granby

Those who voted in the negative are:

Ancel of Calais	Donnally of Hyde Park	O'Brien of Tunbridge
Anthony of Barre City	Durfee of Shaftsbury	Ode of Burlington
Arrison of Weathersfield	Elder of Starksboro	Partridge of Windham
Austin of Colchester	Emmons of Springfield	Patt of Worcester
Bartholomew of Hartland	Gannon of Wilmington	Pearl of Danville
Beck of St. Johnsbury	Goldman of Rockingham	Pugh of South Burlington
Birong of Vergennes	Grad of Moretown	Rachelson of Burlington
Black of Essex	Hooper of Montpelier	Redmond of Essex
Bluemle of Burlington	Hooper of Randolph	Rogers of Waterville
Bock of Chester	Hooper of Burlington	Satcowitz of Randolph
Bongartz of Manchester	Houghton of Essex	Scheu of Middlebury
Bos-Lun of Westminster	James of Manchester	Sheldon of Middlebury
Brady of Williston	Jerome of Brandon	Sims of Craftsbury
Briglin of Thetford	Jessup of Middlesex	Small of Winooski
Brown of Richmond	Killackey of South Burlington	Squirrell of Underhill
Brownell of Pownal	Kimbell of Woodstock	Stebbins of Burlington
Brumsted of Shelburne	Kitzmiller of Montpelier	Stevens of Waterbury
Burke of Brattleboro	Kornheiser of Brattleboro	Surprenant of Barnard
Burrows of West Windsor	LaLonde of South Burlington	Taylor of Colchester
Campbell of St. Johnsbury	Lanpher of Vergennes	Till of Jericho
Chase of Colchester	Lippert of Hinesburg	Toleno of Brattleboro
Christie of Hartford	Long of Newfane	Townsend of South Burlington
Cina of Burlington	Masland of Thetford	Troiano of Stannard
Coffey of Guilford	McCarthy of St. Albans City	Vyhovsky of Essex
Colburn of Burlington	McCullough of Williston	Walz of Barre City
Colston of Winooski	Morris of Springfield	Webb of Shelburne
Conlon of Cornwall	Mrowicki of Putney	White of Bethel
Copeland Hanzas of Bradford	Mulvaney-Stanak of Burlington	White of Hartford
Corcoran of Bennington	Nicoll of Ludlow	Whitman of Bennington
Cordes of Lincoln	Nigro of Bennington	Wood of Waterbury
Cupoli of Rutland City	Noyes of Wolcott	Yacovone of Morristown
Dolan of Essex		Yantachka of Charlotte
Dolan of Waitsfield		

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

Graham of Williamstown Howard of Rutland City McCormack of Burlington

Pending the question, Shall the bill be amended as recommended by the Committee on General, Housing, and Military Affairs?, **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 General, Housing, and Military Affairs?, was decided in the affirmative. Yeas, 102. Nays, 46.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Anthony of Barre City	Goldman of Rockingham	Pajala of Londonderry
Arrison of Weathersfield	Grad of Moretown	Parsons of Newbury
Austin of Colchester	Hooper of Montpelier	Partridge of Windham
Bartholomew of Hartland	Hooper of Randolph	Patt of Worcester
Birong of Vergennes	Hooper of Burlington	Pearl of Danville
Black of Essex	Houghton of Essex	Pugh of South Burlington
Bluemle of Burlington	Howard of Rutland City	Rachelson of Burlington
Bock of Chester	James of Manchester	Redmond of Essex
Bongartz of Manchester	Jerome of Brandon	Rogers of Waterville
Bos-Lun of Westminster	Jessup of Middlesex	Satcowitz of Randolph
Brady of Williston	Killacky of South Burlington	Scheu of Middlebury
Briglin of Thetford	Kimbell of Woodstock	Sheldon of Middlebury
Brown of Richmond	Kitzmiller of Montpelier	Sims of Craftsbury
Brownell of Pownal	Kornheiser of Brattleboro	Small of Winooski
Brumsted of Shelburne	LaLonde of South	Squirrell of Underhill
Burke of Brattleboro	Burlington	Stebbins of Burlington
Burrows of West Windsor	Lanpher of Vergennes	Stevens of Waterbury
Campbell of St. Johnsbury	Lefebvre of Newark	Surprenant of Barnard
Chase of Colchester	Lippert of Hinesburg	Taylor of Colchester
Christie of Hartford	Long of Newfane	Till of Jericho
Cina of Burlington	Masland of Thetford	Toleno of Brattleboro
Coffey of Guilford	McCarthy of St. Albans City	Townsend of South
Colburn of Burlington	McCullough of Williston	Burlington
Colston of Winooski	Morgan, L. of Milton	Troiano of Stannard *
Conlon of Cornwall	Morris of Springfield	Vyhovsky of Essex
Copeland Hanzas of	Mrowicki of Putney	Walz of Barre City
Bradford	Mulvaney-Stanak of	Webb of Shelburne
Corcoran of Bennington	Burlington	White of Bethel
Cordes of Lincoln	Murphy of Fairfax	White of Hartford
Dolan of Essex	Nicoll of Ludlow	Whitman of Bennington
Dolan of Waitsfield	Nigro of Bennington	Wood of Waterbury
Donnally of Hyde Park	Norris of Shoreham	Yacovone of Morristown
Durfee of Shaftsbury	Notte of Rutland City	Yantachka of Charlotte
Elder of Starksboro	Noyes of Wolcott	
Emmons of Springfield	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown Springs	Hango of Berkshire	Page of Newport City
Batchelor of Derby	Harrison of Chittenden	Palasik of Milton
Beck of St. Johnsbury	Helm of Fair Haven	Peterson of Clarendon
Brennan of Colchester	Higley of Lowell	Rosenquist of Georgia
Burditt of West Rutland	LaClair of Barre Town	Savage of Swanton
Canfield of Fair Haven	Lefebvre of Orange	Scheuermann of Stowe
Cupoli of Rutland City	Leffler of Enosburgh	Seymour of Sutton
Dickinson of St. Albans Town	Marcotte of Coventry	Shaw of Pittsford
Donahue of Northfield	Martel of Waterford	Sibilia of Dover
Fagan of Rutland City	Martin of Franklin	Smith of Derby
Feltus of Lyndon	Mattos of Milton	Smith of New Haven
Goslant of Northfield	McCoy of Poultney	Strong of Albany
Graham of Williamstown	McFaun of Barre Town	Sullivan of Dorset *
Gregoire of Fairfield	Morgan, M. of Milton	Terenzini of Rutland Town
	Morrissey of Bennington	Toof of St. Albans Town
	Norris of Sheldon	Williams of Granby

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

McCormack of Burlington

Rep. Sullivan of Dorset explained her vote as follows:

“Madam Speaker:

I vote no on H. 81 as it stands now. H. 81’s removal of the requirement that the same premium percentages and out-of-pocket expenses apply to all participating employees for each plan tier is far from the alleged misleading label of a technical change but is a major fundamental change to the law; it opens up complex negotiation issues, is likely to increase costs and would create a major administrative burden. The bill should ensure that the costs of any proposed outcome for both sides must be considered — particularly if an arbitrator is making the decision.”

Rep. Troiano of Stannard explained his vote as follows:

“Madam Speaker:

I vote yes. I received 85 emails in support of H.81 from all over the state and from teachers, para-educators, cooks, and bus drivers This is about a equitable and fair negotiation for our non licensed educational employees. These are the people we entrust out children to on a daily basis, many children with special needs. We are all taxpayers, imposing a major increase in health care costs on our lowest employees is inherently unfair. I will always stand with Vermont workers.”

Thereupon, third reading was ordered.

Action Postponed**H. 138**

House bill, entitled

An act relating to fiscal year 2021 budget adjustments

Was taken up and pending consideration of the Senate proposal of amendment, on motion of **Rep. Hooper of Montpelier**, action on the bill was postponed until February 17, 2021.

Second Reading; Bill Amended; Third Reading Ordered**H. 122**

Rep. LaClair of Barre Town, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to boards and commissions

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

* * * National Forest Lands * * *

Sec. 1. [Deleted.]

Sec. 2. 1 V.S.A. § 555 is amended to read:

§ 555. JURISDICTION OF UNITED STATES OVER NATIONAL FORESTS

The United States shall have jurisdiction to make and enforce such laws, rules, and regulations as the United States shall deem necessary for the administration, protection, and management of ~~such~~ national forests in the State.

Sec. 3. 1 V.S.A. § 556 is amended to read:

§ 556. JURISDICTION OF STATE OVER NATIONAL FORESTS

In all other respects, the jurisdiction over persons and property within ~~such~~ the territory of national forests in the State shall not be affected nor changed by reason of ~~such~~ the acquisition of title to such lands by the United States.

* * * Amendments to Vermont Commission on Women * * *

Sec. 4. 3 V.S.A. chapter 70 is added to read:

CHAPTER 70. COMMISSION ON WOMEN

Sec. 5. 3 V.S.A. § 22 is redesignated and amended to read:

§ ~~22~~ 5025. THE COMMISSION ON WOMEN

(a)(1) The Commission on Women is created as the successor to the Governor's Commission on Women established by Executive Order No. 20-86. The Commission shall be organized and have the duties and responsibilities as provided in this section.

(2) The Commission shall be an independent agency of the government of Vermont and shall not be subject to the control of any other department or agency.

(3) Members of the Commission shall be drawn from throughout the State and from diverse racial, ethnic, religious, age, sexual orientation, and socioeconomic backgrounds and shall have had experience working toward the improvement of the status of women in society.

(b) The Commission shall consist of 16 members, appointed as follows:

(1) Eight members shall be appointed by the Governor, ~~not more than four of whom shall be from one political party.~~

(2)(A) Eight members shall be appointed by the General Assembly, four by the Senate Committee on Committees, and four by the Speaker of the House.

(B) ~~Not~~ Each chamber may appoint not more than two appointees shall be members of the General Assembly legislators, and each appointing authority shall appoint not more than two members if a chamber appoints two legislators, they shall not be from the same political party.

(c)(1) Not more than four legislators may serve on the Commission at one time.

(2) The terms of members shall be four years. Appointments of members to fill vacancies or expired terms shall be made by the authority that made the initial appointment to the vacated or expired term.

(d)(1) Members of the Commission shall elect biennially by majority vote the Chair of the Commission.

(2) Members of the Commission shall be entitled to receive per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010, which shall be paid by the Commission.

(e) Nine members shall constitute a quorum of the Commission. Once a quorum has been established, the vote of a majority of the members present at the time of the vote shall be an act of the Commission.

(f) The Commission may appoint members to an advisory council to provide information on the concerns of Vermont women and assist the Commission in the fulfillment of its responsibilities. The Commission may establish ad hoc committees or task forces to study and make recommendations to the Commission. The chair of such committees or task forces shall be appointed by the Chair of the Commission. The tenure of such committees or task forces shall be determined by the nature of the study and the project undertaken.

(g) The Commission shall conduct studies of matters concerning women, and in furtherance of that responsibility may:

(1) review Vermont statutes with regard to sex discrimination and other matters affecting the status of women;

(2) educate and inform business, education, State and local governments, and the general public about the nature and scope of sex discrimination and other matters affecting the status of women in Vermont;

(3) serve as a liaison and clearinghouse between government, private interest groups, and the general public concerned with services for women, and, in this regard, may publish a periodic newsletter to provide information to these constituencies; and

(4) promote consideration of qualified women for all levels of government positions.

(h) The powers of the Commission shall include the following:

(1) to conduct research and study of issues affecting the status of women in Vermont;

(2) to advise and consult with the Executive and Legislative branches of State government on policies affecting the status of women in Vermont;

(3) to maintain an office and hire employees as necessary to carry out its duties;

(4) to acquire on a contractual or other basis such necessary legal, technical, or research expertise and support services as it may require for the discharge of its duties;

(5) to publish periodic reports documenting the legal, economic, social, and political status, and other concerns of women in Vermont;

(6) to utilize such voluntary and uncompensated services of private individuals, agencies, and organizations as may, from time to time, be offered and needed; and

(7) to accept and solicit funds, including any gifts, donations, grants, or bequests or any federal funds, for any Commission-related purposes.

~~(i)(1) No part of any funds appropriated to the Commission by the General Assembly shall, in the absence of express authorization by the General Assembly, be used directly or indirectly for legislative or administrative advocacy. The Commission shall review and amend as necessary all existing contracts and grants to ensure compliance with this subsection.~~

~~(2) As used in this subsection, legislative or administrative advocacy means employment of a lobbyist as defined in 2 V.S.A. chapter 11, or employment, establishment, or maintenance of a lobbyist position whose primary function is to influence legislators or State officials with respect to pending legislation or rules. [Repealed.]~~

Sec. 6. REDESIGNATION AND CODIFICATION OF COMMISSION ON WOMEN; CONFORMING REVISIONS

(a) 3 V.S.A. § 5025 (Commission on Women), as redesignated and amended in this act, shall be codified in 3 V.S.A. chapter 70 (Commission on Women), as added by this act.

(b) The Office of Legislative Counsel is directed to revise accordingly in the Vermont Statutes Annotated any cross-references to the Commission on Women as redesignated and codified in this act.

* * * Repeal of Toxics Technical Advisory Board * * *

Sec. 7. 3 V.S.A. § 2873 is amended to read:

§ 2873. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

(a) The Department of Environmental Conservation is created within the Agency of Natural Resources. The Department is the successor to and continuation of the Department of Water Resources and Environmental Engineering, and shall administer the Water Resources Programs contained in Title 10, air pollution control and abatement as provided in 10 V.S.A. chapter 23, and waste disposal as provided in 10 V.S.A. chapter 159.

(b) The Department may perform design and construction supervision services for major maintenance and capital construction projects for the Agency and all of its components.

(c) [Repealed.]

(d) Nothing in this section shall prevent the Commissioner of Labor from exercising his or her authority to regulate public buildings.

~~(e) There is created within the Department of Environmental Conservation a Division of Pollution Prevention, which shall carry out nonregulatory functions of the Department under 10 V.S.A. chapter 159, subchapter 2, in providing technical assistance and coordinating State efforts to bring about a decrease, within the State, in the use of toxics and the generation of hazardous wastes. The Office shall:~~

~~(1) review toxics use reduction and hazardous waste reduction plans submitted by generators of hazardous wastes and by large users of toxic materials, as defined in 10 V.S.A. chapter 159, subchapter 2;~~

~~(2) provide technical assistance to industry in its plan development, plan revisions, and plan improvement under 10 V.S.A. chapter 159, subchapter 2;~~

~~(3) provide, direct, and manage on-site technical assistance under that chapter;~~

~~(4) provide staff support to the Toxics Technical Advisory Board, and implement authorized and recommended programs;~~

~~(5) sponsor, in conjunction with the Toxics Technical Advisory Board, industry-specific conferences, workshops, and seminars on toxics use reduction and hazardous waste reduction, in order to enhance information exchange and technology transfer;~~

~~(6) develop and maintain a technical library and information clearinghouse, and promote information dissemination to businesses that generate hazardous wastes or use toxic substances;~~

~~(7) develop and distribute a newsletter and other information materials for business and industry, to assist in planning for toxics use reduction and reduction in the generation of hazardous waste;~~

~~(8) maintain data and information systems on toxics use and hazardous waste reduction as specified in 10 V.S.A. chapter 159, subchapter 2, and use these systems to develop methods to measure the success of programs to reduce toxics use and the generation of hazardous waste;~~

~~(9) coordinate ongoing technical assistance on these matters, within the Agency and throughout State government;~~

~~(10) work with other State agencies to evaluate, develop, and promote pollution prevention strategies;~~

~~(11) work with other State agencies to improve data and reporting systems with respect to toxics releases;~~

~~(12) work with other State agencies to develop pilot programs that encourage toxics use reduction, multimedia source reduction, and reductions in the generation of hazardous waste;~~

~~(13) review and comment on environmental regulatory programs and proposed rules, to assure that these programs provide incentives, rather than disincentives, to pollution prevention. [Repealed.]~~

~~(f) There is created the Toxics Technical Advisory Board, which is attached to the Division of Pollution Prevention.~~

~~(1) The Board shall consist of at least five members appointed by the Governor, representing the various geographic areas of the State and with expertise in professional disciplines such as occupational health and safety, industrial hygiene, engineering, chemistry, manufacturing, business, ecology, and environmental protection. Members shall be selected from business and industry groups that are to be served by technical assistance.~~

~~(2) The Board shall advise the Office of Pollution Prevention on the creation and administration of a Technical Assistance Program designed to provide guidance, advice, and technical assistance to generators of hazardous waste and users of toxics.~~

~~(3) The Board shall serve as liaison with industry, business, trade associations, and educational institutions, and shall assemble volunteer teams to perform on-site technical assistance and other forms of assistance to complement programs of the office of pollution prevention.~~

~~(4) The Board shall establish and administer an award program for excellence in toxics use reduction and the reduction in the generation of hazardous waste. [Repealed.]~~

~~(g) There is created within the Department of Environmental Conservation the Small Business Technical and Environmental Compliance Assistance Program. This Program shall include each element specified in section 507(a) of the federal Clean Air Act (42 U.S.C. § 7401 et seq.) and shall also be authorized to assist small businesses in similar fashion with regard to their obligations under all other environmental legislation administered by the Department.~~

~~(h) [Repealed.]~~

~~*** Repeal of Champion Land Transaction Citizen Advisory Council ***~~

Sec. 8. 10 V.S.A. chapter 156 is amended to read:

CHAPTER 156. CHAMPION LAND TRANSACTION CITIZEN
ADVISORY COUNCIL [Repealed.]

§ 6407. COUNCIL CREATED

~~A Citizen Advisory Council is created to assist in implementing the provisions of the Champion land transaction in the northeastern region of Vermont authorized by the 1999 session of the General Assembly. [Repealed.]~~

§ 6408. FUNCTIONS

~~(a) The Council shall function as a forum to hear and attempt to resolve concerns involving the so-called Champion lands that are brought to the attention of the Council regarding ongoing use and management of State lands, collaboration with the U.S. Fish and Wildlife Service, and public access to the public and privately held lands. With respect to the public lands and the role of the Agency of Natural Resources, these matters may include public access, the recreation access plan, snowmobiling, motorized, mechanical and equestrian access, private roads, temporary restrictions, federal ownership, timber harvesting, land conservation, water classification, economic development, and camp leases. The Council has no authority to discuss or comment on interests obtained by a private owner who purchases a portion of the property, including timber harvesting and forest management interests obtained.~~

~~(b) The Council shall also function as a source of information to persons interested in learning about the transaction including its legal conditions, or about the ongoing use and management of the land. [Repealed.]~~

§ 6409. MEMBERS; ORGANIZATION

~~(a) The Council shall consist of 11 voting members appointed by the Governor as follows:~~

~~(1) six persons residing in the northeastern region of the State, made up of one representative each of the logging industry, another private business interest in Essex County, a local hunting and fishing group, the Vermont Association of Snow Travelers, camp leaseholders of former Champion land, and an elected official of municipal government in Essex County, each with a three-year term except that initial terms shall be staggered, to be appointed by the Governor from a list of three nominees for each position submitted jointly by the members of the State legislative delegation of Essex County;~~

~~(2) one person representing the new private ownership of a portion of the former Champion land;~~

~~(3) the Secretary of the Vermont Agency of Natural Resources or his or her designee from within the Agency;~~

~~(4) one person representing the U.S. Fish and Wildlife Service;~~

~~(5) one person representing the Vermont Sportsmen Federation; and~~

~~(6) one person representing a Natural Resources Conservation Group.~~

~~(b) The representative of municipal government from Essex County shall serve as Chair of the Council and shall convene the first meeting of the Council. Subsequent meetings will be held at the call of the Chair or as scheduled by majority vote of the Council.~~

~~(c) The Chair of the Council shall arrange for Council meetings to be held at a municipal office or another location in Essex County. If requested by the Council, the Secretary of Natural Resources shall provide administrative and staff support to the Council. [Repealed.]~~

* * * Repeal of Working Group on Conservation Easements * * *

Sec. 9. REPEAL OF WORKING GROUP ON CONSERVATION

EASEMENTS

2012 Acts and Resolves No. 118, Sec. 9 (Working Group on Conservation Easements) is repealed.

* * * Repeal and Transfer of Duties of Prekindergarten-16 Council * * *

Sec. 10. 16 V.S.A. § 2905 is amended to read:

§ 2905. ~~PREKINDERGARTEN-16 COUNCIL~~

~~(a) A Prekindergarten-16 Council (the Council) is created to help coordinate and better align the efforts of the prekindergarten-12 educational system with the higher education community in order to increase:~~

~~(1) postsecondary aspirations;~~

~~(2) the enrollment of Vermont high school graduates in higher education programs;~~

~~(3) the postsecondary degree completion rates of Vermonters; and~~

~~(4) public awareness of the economic, intellectual, and societal benefits of higher education.~~

~~(b) The Council shall be composed of:~~

~~(1) the Secretary of Education or designee;~~

~~(2) the Commissioner of Labor or designee;~~

~~(3) the President of the University of Vermont or designee;~~

~~(4) the Chancellor of the Vermont State Colleges or designee;~~

~~(5) the President of the Vermont Student Assistance Corporation or designee;~~

~~(6) the President of the Association of Vermont Independent Colleges or designee;~~

~~(7) a principal of a secondary school selected by the Vermont Principals' Association;~~

~~(8) a superintendent selected by the Vermont Superintendents Association;~~

~~(9) a teacher selected by the Vermont National Education Association;~~

~~(10) a member of the Building Bright Futures Council or designee;~~

~~(11) a career technical education director selected by the Vermont Association of Career and Technical Center Directors;~~

~~(12) a representative from the business and industry community selected by the Vermont Business Roundtable;~~

~~(13) an advocate for low-income children selected by Voices for Vermont's Children;~~

~~(14) a member of the House of Representatives, who shall be selected by the Speaker and shall serve until the beginning of the biennium immediately after the one in which the member is appointed;~~

~~(15) a member of the Senate, who shall be selected by the Committee on Committees and shall serve until the beginning of the biennium immediately after the one in which the member is appointed;~~

~~(16) a member of the faculty of the Vermont State Colleges, the University of Vermont, or a Vermont independent college selected by United Professions AFT Vermont, Inc.; and~~

~~(17) a representative of after-school, summer, and expanded learning programs selected by the Vermont Center for Afterschool Excellence.~~

~~(c) The Council shall develop and regularly update a statewide plan to increase aspirations for and the successful completion of postsecondary education among students of all ages and otherwise advance the purposes for which the council is created, which shall include strategies to:~~

~~(1) ensure that every high school graduate in Vermont is prepared to succeed in postsecondary education without remedial assistance;~~

~~(2) increase the percentage of Vermonters who earn an associate's or higher level degree or a postsecondary certification;~~

~~(3) identify and address areas of educator preparation that could benefit from improved collaboration between the prekindergarten-12 educational system and the higher education community;~~

~~(4) promote early career awareness and nurture postsecondary aspirations;~~

~~(5) develop programs that guarantee college admission and financial aid for low-income students who successfully complete early commitment requirements;~~

~~(6) enhance student engagement in secondary school, ensuring that learning opportunities are relevant, rigorous, and personalized and that all students aspire to and prepare for success in postsecondary learning opportunities;~~

~~(7) expand access to dual enrollment programs in order to serve students of varying interests and abilities, including those who are likely to attend college, those who are from groups that attend college at disproportionately low rates, and those who are prepared for a postsecondary curriculum prior to graduation from secondary school;~~

~~(8) develop proposals for statewide college and career readiness standards and assessments;~~

~~(9) create incentives for adults to begin or continue their postsecondary education; and~~

~~(10) ensure implementation of a prekindergarten-16 longitudinal data system, which it shall use to assess the success of the plan required by this subsection.~~

~~(d) Together with the Secretary of Administration or the Secretary's designee, the following members of the Council shall perform any statutory or other duties required of them, including duties in connection with the Higher Education Endowment Trust Fund: the President of the University of Vermont, the Chancellor of the Vermont State Colleges, the President of the Vermont Student Assistance Corporation, the President of the Association of Vermont Independent Colleges, the representative from the business and industry community, the member of the House of Representatives, and the member of the Senate.~~

~~(e) The legislative and higher education staff shall provide support to the Council as appropriate to accomplish its tasks. Primary administrative support shall be provided by the Office of Legislative Operations.~~

~~(f) The Council shall annually elect one of its members to be chair.~~

~~(g) The Council shall meet at least quarterly.~~

~~(h) The Council shall report on its activities to the House and Senate Committees on Education and to the State Board of Education each year in January. 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. [Repealed.]~~

Sec. 11. 16 V.S.A. § 2885 is amended to read:

§ 2885. VERMONT HIGHER EDUCATION ENDOWMENT TRUST FUND

(a) A Vermont Higher Education Endowment Trust Fund is established in the Office of the State Treasurer to comprise the following:

* * *

(b) The State Treasurer may invest the monies in the Fund.

* * *

(d)(1) During the first quarter of each fiscal year, the Secretary of Administration or the Secretary's designee and the ~~individuals identified~~ Council created in subsection ~~2905(d)~~ (h) of this ~~title section~~ may authorize the State Treasurer to make an amount equal to ~~no~~ not more than two percent of the assets available, in equal amounts, to the University of Vermont and the Vermont State Colleges for the purpose of creating or increasing a permanent endowment.

* * *

(e) Annually, ~~by~~ on or before September 30, the Treasurer shall render a financial report on the receipts, disbursements, and earnings of the Fund for the preceding fiscal year to the Secretary of Administration and the ~~individuals identified~~ Council created in subsection ~~2905(d)~~ (h) of this ~~title section~~.

(f) All balances in the Fund at the end of any fiscal year shall be carried forward and used only for the purposes set forth in this section. Earnings of the Fund that are not withdrawn pursuant to this section shall remain in the Fund.

(g) The University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation shall review expenditures made from the Fund and evaluate the impact of the expenditures on higher education in Vermont, and report this information to the House and Senate Committees on Education each year in January.

(h) There is created the Vermont Higher Education Endowment Trust Fund Council to perform the duties set forth in subsections (d) and (e) of this

section. The Council shall be attached to the Office of Treasurer for administration purposes and shall be composed of the following members:

- (1) the President of the University of Vermont;
- (2) the Chancellor of the Vermont State Colleges;
- (3) the President of the Vermont Student Assistance Corporation;
- (4) the President of the Association of Vermont Independent Colleges;
- (5) a representative from the business and industry community, selected by the Vermont Business Roundtable;
- (6) a member of the House of Representatives, appointed by the Speaker of the House; and
- (7) a member of the Senate, appointed by the Committee on Committees.

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

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

Remarks Journalized

On motion of **Rep. McCullough of Williston**, the following remarks by **Rep. Long of Newfane** were ordered printed in the Journal:

“Madam Speaker:

You just heard the reading of the Resolution honoring our Former Clerk, Bill MaGill.

I want to offer my sincere thanks and gratitude to Bill for his 18 years of service to the State through his work in the clerk’s office, starting as second assistant clerk in 2003, and working his way up to the position of Clerk of the House in 2015, a position he held until this year. Bill always greeted us with a smiling face and he genuinely welcomed everyone into his office to discuss anything related to parliamentary procedures! I wish him all the best in all his future endeavors.”

On motion of **Rep. McCullough of Williston**, the following remarks by **Rep. Colburn of Burlington** were ordered printed in the Journal:

“Madam Speaker:

As others already have, I really want to thank Bill for his warmth and friendliness and his steady way of always helping us to better understand and enact our own rules, our own processes, our own procedures, our own work. You can imagine that a super minority caucus has a lot of questions, not just about how to understand the work before us, but sometimes about how to question it, and how to question it while observing our own processes and procedures. I know that all members experienced what we did – when we would come to Bill with these questions he was always professional, objective, kind. In all of this, his great equanimity served to remind us that all of our work – the questions, the desire to move things forward, and the deep respect and commitment to doing that in the ways that we’ve set forth – all of that is part of our process. I really wish Bill well and absolutely wish the best for him.”

Message from the Senate No. 19

A message was received from the Senate by Mr. Marshall, 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. 16. Joint resolution relating to weekend adjournment.

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

Adjournment

At two o'clock and fifty-nine minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

Wednesday, February 17, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Martel of Waterford.

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. 267

By Rep. Sullivan of Dorset,

House bill, entitled

An act relating to reorganization of the Executive Branch by Executive Order

To the Committee on Government Operations.

H. 268

By Reps. Colburn of Burlington, Grad of Moretown, Donnally of Hyde Park, Killacky of South Burlington, Kornheiser of Brattleboro, Masland of Thetford, Notte of Rutland City, Rachelson of Burlington, Small of Winooski, and White of Hartford,

House bill, entitled

An act relating to human trafficking and prostitution

To the Committee on Judiciary.

H. 269

By Reps. Vyhovsky of Essex, Cina of Burlington, Anthony of Barre City, Burrows of West Windsor, Colburn of Burlington, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Pugh of South Burlington, Sims of Craftsbury, Small of Winooski, Surprenant of Barnard, and Yantachka of Charlotte,

House bill, entitled

An act relating to the persons authorized to make contributions to candidates and political parties

To the Committee on Government Operations.

H. 270

By Reps. Killacky of South Burlington, Troiano of Stannard, and Walz of Barre City,

House bill, entitled

An act relating to modernizing Vermont's wage and hour laws

To the Committee on General, Housing, and Military Affairs.

H. 271

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to the regulation of court reporters;

To the Committee on Judiciary.

H. 272

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to possession of firearms by persons convicted of a violent crime

To the Committee on Judiciary.

H. 273

By Reps. Cina of Burlington, Bluemle of Burlington, Christie of Hartford, Colston of Winooski, Cordes of Lincoln, Donnally of Hyde Park, Durfee of Shaftsbury, Elder of Starksboro, Gannon of Wilmington, Mulvaney-Stanak of Burlington, Sims of Craftsbury, Surprenant of Barnard, Toleno of Brattleboro, Troiano of Stannard, Vyhovsky of Essex, Walz of Barre City, White of Hartford, and Wood of Waterbury,

House bill, entitled

An act relating to promoting racial and social equity in land access and property ownership

To the Committee on General, Housing, and Military Affairs.

H. 274

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to consumer protection and collection of consumer information

To the Committee on Commerce and Economic Development.

H. 275

By Reps. Dolan of Waitsfield, Anthony of Barre City, Austin of Colchester, Birong of Vergennes, Bos-Lun of Westminster, James of Manchester, Ode of Burlington, and Yantachka of Charlotte,

House bill, entitled

An act relating to providing funding to the VOREC grant program

To the Committee on Commerce and Economic Development.

H. 276

By Reps. Cina of Burlington, Christie of Hartford, Austin of Colchester, Birong of Vergennes, Black of Essex, Bos-Lun of Westminster, Briglin of Thetford, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Colburn of Burlington, Conlon of Cornwall, Cordes of Lincoln, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Goldman of Rockingham, Houghton of Essex, James of Manchester, Jessup of Middlesex, Kitzmiller of Montpelier, Kornheiser of Brattleboro, Masland of Thetford, McCullough of Williston, McFaun of Barre Town, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Ode of Burlington, Partridge of Windham, Patt of Worcester, Rachelson of Burlington, Satcowitz of Randolph, Scheu of Middlebury, Sheldon of Middlebury, Small of Winooski, Surprenant of Barnard, Toleno of Brattleboro, Townsend of South Burlington, Troiano of Stannard, Vyhovsky of Essex, White of Bethel, White of Hartford, Yacovone of Morristown, and Yantachka of Charlotte,

House bill, entitled

An act relating to incremental implementation of Green Mountain Care

To the Committee on Health Care.

H. 277

By Reps. Donnally of Hyde Park, Higley of Lowell, Noyes of Wolcott, Patt of Worcester, Rogers of Waterville, Scheuermann of Stowe, and Yacovone of Morristown,

House bill, entitled

An act relating to permitting homeless shelters during a declared state of emergency

To the Committee on Natural Resources, Fish, and Wildlife.

H. 278

By Rep. Kimbell of Woodstock,

House bill, entitled

An act relating to Act 250 municipal master plan permits

To the Committee on Natural Resources, Fish, and Wildlife.

H. 279

By Rep. Houghton of Essex,

House bill, entitled

An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access

To the Committee on Health Care.

H. 280

By Rep. Durfee of Shaftsbury,

House bill, entitled

An act relating to notice of application of herbicides under a right-of-way permit

To the Committee on Natural Resources, Fish, and Wildlife.

H. 281

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to prohibiting candidacy for election to more than one office at a time

To the Committee on Government Operations.

Joint Resolution Adopted in Concurrence**J.R.S. 16**

By Senator Balint,

J.R.S. 16. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 19, 2021, it be to meet again no later than Tuesday, February 23, 2021.

Was taken up, read, and adopted in concurrence.

**Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto****H. 138**

An act relating to fiscal year 2021 budget adjustments

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2020 Acts and Resolves No. 154, Sec. B.140 is amended to read:

Sec. B.140 Municipal current use

Grants	<u>16,985,000</u>	<u>17,120,500</u>
Total	16,985,000	17,120,500
Source of funds		
General fund	<u>16,985,000</u>	<u>17,120,500</u>
Total	16,985,000	17,120,500

Sec. 2. 2020 Acts and Resolves No. 154, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds		
General fund	94,990,855	95,126,355
Transportation fund	3,911,594	3,911,594
Special funds	15,637,864	15,637,864
Federal Coronavirus Relief Fund	3,774,765	3,774,765
Federal funds	1,153,855	1,153,855
Internal service funds	134,313,374	134,313,374
Interdepartmental transfers	7,858,390	7,858,390
Enterprise funds	6,840	6,840
Pension trust funds	8,271,560	8,271,560
Private purpose trust funds	<u>1,134,819</u>	<u>1,134,819</u>
Total	271,053,916	271,189,416

Sec. 3. 2020 Acts and Resolves No. 154, Sec. B.209 is amended to read:

Sec. B.209 Public safety - state police

Personal services	59,804,906	60,206,906
Operating expenses	11,932,334	11,932,334
Grants	<u>1,693,707</u>	<u>1,693,707</u>
Total	73,430,947	73,832,947
Source of funds		
General fund	28,156,891	28,558,891
Transportation fund	13,350,000	13,350,000
Special funds	3,145,278	3,145,278
Federal Coronavirus Relief Fund	21,790,000	21,790,000
Federal funds	5,023,746	5,023,746
Interdepartmental transfers	<u>1,965,032</u>	<u>1,965,032</u>
Total	73,430,947	73,832,947

Sec. 4. 2020 Acts and Resolves No. 154, Sec. B.238 is amended to read:

 Sec. B.238 Liquor control - enforcement and licensing

Personal services	1,953,092	1,953,092
Operating expenses	<u>465,104</u>	<u>480,104</u>
Total	<u>2,418,196</u>	<u>2,433,196</u>

Source of funds

General fund	0	15,000
Federal funds	184,484	184,484
Enterprise funds	<u>2,233,712</u>	<u>2,233,712</u>
Total	<u>2,418,196</u>	<u>2,433,196</u>

Sec. 5. 2020 Acts and Resolves No. 154, Sec. B.240 is amended to read:

Sec. B.240 Total protection to persons and property

Source of funds

General fund	152,022,889	152,439,889
Transportation fund	13,350,000	13,350,000
Special funds	89,170,106	89,170,106
Tobacco fund	561,843	561,843
Federal Coronavirus Relief Fund	23,451,164	23,451,164
Federal funds	83,776,486	83,776,486
ARRA funds	600,000	600,000
Interdepartmental transfers	15,090,107	15,090,107
Enterprise funds	<u>12,797,151</u>	<u>12,797,151</u>
Total	<u>390,819,746</u>	<u>391,236,746</u>

Sec. 6. 2020 Acts and Resolves No. 154, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	11,121,179	16,921,417
Operating expenses	5,183,112	5,183,112
Grants	<u>8,818,674</u>	<u>8,818,674</u>
Total	<u>25,122,965</u>	<u>30,923,203</u>

Source of funds

General fund	14,043,208	14,847,651
Special funds	135,517	135,517
Federal Coronavirus Relief Fund	0	3,393,180
Federal funds	<u>9,910,637</u>	<u>11,513,252</u>
Global Commitment fund	453,000	453,000
Interdepartmental transfers	<u>580,603</u>	<u>580,603</u>
Total	<u>25,122,965</u>	<u>30,923,203</u>

Sec. 7. 2020 Acts and Resolves No. 154, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Grants	<u>1,623,904,822</u>	<u>1,631,591,649</u>
Total	1,623,904,822	1,631,591,649
Source of funds		
General fund	<u>522,372,868</u>	<u>520,682,392</u>
Special funds	<u>32,293,557</u>	<u>32,293,557</u>
Tobacco fund	<u>21,049,373</u>	<u>21,049,373</u>
State health care resources fund	<u>17,078,501</u>	<u>17,078,501</u>
Federal funds	<u>1,020,542,541</u>	<u>1,032,002,623</u>
Interdepartmental transfers	<u>10,567,982</u>	<u>8,485,203</u>
Total	1,623,904,822	1,631,591,649

Sec. 8. 2020 Acts and Resolves No. 154, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	<u>129,834,613</u>	<u>132,665,708</u>
Operating expenses	<u>26,285,655</u>	<u>26,285,655</u>
Grants	<u>5,192,301</u>	<u>5,192,301</u>
Total	161,312,569	164,143,664
Source of funds		
General fund	<u>32,314,433</u>	<u>32,645,528</u>
Special funds	<u>3,378,509</u>	<u>3,378,509</u>
Federal funds	<u>116,496,036</u>	<u>116,496,036</u>
Global Commitment fund	<u>4,330,710</u>	<u>6,830,710</u>
Interdepartmental transfers	<u>4,792,881</u>	<u>4,792,881</u>
Total	161,312,569	164,143,664

Sec. 9. 2020 Acts and Resolves No. 154, Sec. B.307 is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Personal services	<u>547,983</u>	<u>547,983</u>
Grants	<u>726,492,200</u>	<u>742,313,519</u>
Total	727,040,183	742,861,502
Source of funds		
Global Commitment fund	<u>727,040,183</u>	<u>742,861,502</u>
Total	727,040,183	742,861,502

Sec. 10. 2020 Acts and Resolves No. 154, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>51,417,964</u>	<u>37,928,235</u>
Total	51,417,964	37,928,235
Source of funds		

General fund	<u>39,365,706</u>	37,771,688
Global Commitment fund	<u>12,052,258</u>	156,547
Total	<u>51,417,964</u>	37,928,235

Sec. 11. 2020 Acts and Resolves No. 154, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>33,096,001</u>	33,003,393
Total	<u>33,096,001</u>	33,003,393
Source of funds		
General fund	<u>12,164,088</u>	12,141,484
Federal funds	<u>20,931,913</u>	20,861,909
Total	<u>33,096,001</u>	33,003,393

Sec. 12. 2020 Acts and Resolves No. 154, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	5,618,392	5,618,392
Operating expenses	6,355,826	7,853,373
Grants	<u>4,040,881</u>	4,040,881
Total	<u>16,015,099</u>	17,512,646
Source of funds		
General fund	<u>2,704,133</u>	4,201,680
Special funds	2,041,597	2,041,597
Federal Coronavirus Relief Fund	1,000,000	1,000,000
Federal funds	7,493,305	7,493,305
Global Commitment fund	2,681,102	2,681,102
Interdepartmental transfers	<u>94,962</u>	<u>94,962</u>
Total	<u>16,015,099</u>	17,512,646

Sec. 13. 2020 Acts and Resolves No. 154, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	46,668,668	46,668,668
Operating expenses	10,183,898	11,635,723
Grants	<u>36,833,198</u>	36,833,198
Total	<u>93,685,764</u>	95,137,589
Source of funds		
General fund	<u>10,325,430</u>	11,777,255
Special funds	18,763,637	18,763,637
Tobacco fund	1,088,918	1,088,918
Federal Coronavirus Relief Fund	1,650,000	1,650,000
Federal funds	47,328,052	47,328,052

Global Commitment fund	13,264,921	13,264,921
Interdepartmental transfers	1,239,806	1,239,806
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	93,685,764	95,137,589

Sec. 14. 2020 Acts and Resolves No. 154, Sec. B.313 is amended to read:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	4,999,801	4,999,801
Operating expenses	442,000	596,474
Grants	<u>48,713,374</u>	<u>48,713,374</u>
Total	54,155,175	54,309,649
Source of funds		
General fund	1,234,338	1,388,812
Special funds	1,281,066	1,281,066
Tobacco fund	949,917	949,917
Federal funds	18,491,664	18,491,664
Global Commitment fund	<u>32,198,190</u>	<u>32,198,190</u>
Total	54,155,175	54,309,649

Sec. 15. 2020 Acts and Resolves No. 154, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	32,711,706	32,999,191
Operating expenses	4,574,758	4,574,758
Grants	<u>240,423,028</u>	<u>241,673,561</u>
Total	277,709,492	279,247,510
Source of funds		
General fund	8,869,021	9,074,739
Special funds	1,686,673	1,686,673
Federal Coronavirus Relief Fund	737,104	940,763
Federal funds	11,127,574	11,127,574
Global Commitment fund	<u>253,591,013</u>	<u>254,108,677</u>
Interdepartmental transfers	<u>1,698,107</u>	<u>2,309,084</u>
Total	277,709,492	279,247,510

Sec. 16. 2020 Acts and Resolves No. 154, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	37,989,806	38,800,363
Operating expenses	16,737,674	17,383,274
Grants	<u>3,739,106</u>	<u>3,819,106</u>
Total	58,466,586	60,002,743

Source of funds		
General fund	32,556,013	33,832,876
Special funds	2,708,800	2,708,990
Federal funds	20,975,521	21,104,561
Global Commitment fund	2,005,816	2,005,816
Interdepartmental transfers	<u>220,436</u>	<u>350,500</u>
Total	58,466,586	60,002,743

Sec. 17. 2020 Acts and Resolves No. 154, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	38,776,869	38,741,148
Operating expenses	5,069,385	5,083,785
Grants	<u>78,055,766</u>	<u>79,379,516</u>
Total	121,902,020	123,204,449
Source of funds		
General fund	43,478,598	43,949,508
Special funds	729,587	729,587
Federal funds	32,002,165	32,276,133
Global Commitment fund	45,579,021	46,209,021
Interdepartmental transfers	<u>112,649</u>	<u>40,200</u>
Total	121,902,020	123,204,449

Sec. 18. 2020 Acts and Resolves No. 154, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	4,612,052	4,771,627
Operating expenses	862,982	862,982
Grants	<u>82,319,977</u>	<u>77,515,651</u>
Total	87,795,011	83,150,260
Source of funds		
General fund	25,392,931	20,545,726
Special funds	16,820,000	16,820,000
Tobacco fund	2,000,000	2,000,000
Federal funds	33,551,078	33,753,532
Global Commitment fund	10,008,502	10,008,502
Interdepartmental transfers	<u>22,500</u>	<u>22,500</u>
Total	87,795,011	83,150,260

Sec. 19. 2020 Acts and Resolves No. 154, Sec. B.319 is amended to read:

Sec. B.319 Department for children and families - office of child support

Personal services	11,107,221	11,140,898
Operating expenses	<u>3,568,636</u>	<u>3,568,636</u>

Total	14,675,857	14,709,534
Source of funds		
General fund	4,392,533	4,426,210
Special funds	455,719	455,719
Federal funds	9,440,005	9,440,005
Interdepartmental transfers	<u>387,600</u>	<u>387,600</u>
Total	14,675,857	14,709,534

Sec. 20. 2020 Acts and Resolves No. 154, Sec. B.321 is amended to read:

Sec. B.321 Department for children and families - general assistance

Personal services	15,000	15,000
Grants	<u>8,981,574</u>	<u>24,294,694</u>
Total	8,996,574	24,309,694
Source of funds		
General fund	8,599,239	8,849,239
Federal funds	111,320	111,320
Global Commitment fund	286,015	286,015
Interdepartmental transfers	0	<u>15,063,120</u>
Total	8,996,574	24,309,694

Sec. 21. 2020 Acts and Resolves No. 154, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	48,524	48,524
Grants	<u>39,867,197</u>	<u>35,758,350</u>
Total	39,915,721	35,806,874
Source of funds		
General fund	22,361,264	18,252,417
Special funds	6,133,482	6,133,482
Federal Coronavirus Relief Fund	5,197,333	5,197,333
Federal funds	3,542,024	3,542,024
Global Commitment fund	<u>2,681,618</u>	<u>2,681,618</u>
Total	39,915,721	35,806,874

Sec. 22. 2020 Acts and Resolves No. 154, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	534,250	545,613
Operating expenses	44,078	44,078
Grants	<u>10,566,655</u>	<u>10,566,655</u>
Total	11,144,983	11,156,346
Source of funds		

General fund	5,307,854	5,319,217
Special funds	57,990	57,990
Federal funds	4,423,154	4,423,154
Global Commitment fund	<u>1,355,985</u>	<u>1,355,985</u>
Total	<u>11,144,983</u>	11,156,346

Sec. 23. 2020 Acts and Resolves No. 154, Sec. B.327 is amended to read:

Sec. B.327 Department for children and families - Woodside rehabilitation center

Personal services	3,928,957	3,863,818
Operating expenses	675,455	675,455
Grants	<u>2,000,000</u>	
Total	<u>4,604,412</u>	6,539,273
Source of funds		
General fund	4,507,412	6,412,273
Global Commitment fund	0	30,000
Interdepartmental transfers	<u>97,000</u>	<u>97,000</u>
Total	<u>4,604,412</u>	6,539,273

Sec. 24. 2020 Acts and Resolves No. 154, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	33,409,543	33,542,021
Operating expenses	<u>5,883,996</u>	<u>5,883,996</u>
Total	<u>39,293,539</u>	39,426,017
Source of funds		
General fund	17,410,292	17,542,770
Special funds	1,390,457	1,390,457
Federal funds	19,426,506	19,426,506
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	<u>39,293,539</u>	39,426,017

Sec. 25. 2020 Acts and Resolves No. 154, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>18,762,373</u>	<u>19,375,620</u>
Total	<u>18,762,373</u>	19,375,620
Source of funds		
General fund	7,441,442	7,454,782
Federal funds	7,148,466	7,748,373
Global Commitment fund	<u>4,172,465</u>	<u>4,172,465</u>

Total	18,762,373	19,375,620
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Sec. 26. 2020 Acts and Resolves No. 154, Sec. B.333 is amended to read:

Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>234,832,050</u>	<u>235,177,424</u>
Total	<u>234,832,050</u>	<u>235,177,424</u>
Source of funds		
General fund	155,125	155,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	234,256,605	234,601,979
Interdepartmental transfers	<u>45,000</u>	<u>45,000</u>
Total	<u>234,832,050</u>	<u>235,177,424</u>

Sec. 27. 2020 Acts and Resolves No. 154, Sec. B.334.1 is amended to read:

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>225,276,530</u>	<u>226,190,987</u>
Total	<u>225,276,530</u>	<u>226,190,987</u>
Source of funds		
General fund	498,579	498,579
Federal funds	2,083,333	2,083,333
Global Commitment fund	<u>222,694,618</u>	<u>223,609,075</u>
Total	<u>225,276,530</u>	<u>226,190,987</u>

Sec. 28. 2020 Acts and Resolves No. 154, Sec. B.338 is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	120,895,262	115,752,606
Operating expenses	23,059,297	23,059,297
Grants	<u>8,808,427</u>	<u>8,808,427</u>
Total	152,762,986	147,620,330
Source of funds		
General fund	140,696,389	135,553,733
Special funds	935,963	935,963
Federal Coronavirus Relief Fund	4,950,000	4,950,000
Federal funds	473,523	473,523
Global Commitment fund	5,310,796	5,310,796
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	152,762,986	147,620,330

Sec. 29. 2020 Acts and Resolves No. 154, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	19,575,182	21,088,921
Operating expenses	<u>4,455,065</u>	<u>4,455,065</u>
Total	24,030,247	25,543,986

Source of funds

General fund	2,858,379	2,858,379
Special funds	11,858,292	12,729,031
Federal Coronavirus Relief Fund	0	643,000
Federal funds	<u>9,313,576</u>	<u>9,313,576</u>
Total	24,030,247	25,543,986

Sec. 30. 2020 Acts and Resolves No. 154, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds

General fund	986,362,972	977,495,760
Special funds	115,532,594	116,403,523
Tobacco fund	25,088,208	25,088,208
State health care resources fund	17,078,501	17,078,501
Federal Coronavirus Relief Fund	13,534,437	17,774,276
Federal funds	1,457,654,882	1,471,852,944
Global Commitment fund	1,583,321,128	1,592,184,231
Internal service funds	1,930,685	1,930,685
Interdepartmental transfers	33,220,909	46,869,842
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	4,233,749,316	4,266,702,970

Sec. 31. 2020 Acts and Resolves No. 154, Sec. B.501 is amended to read:

Sec. B.501 Education - education services

Personal services	12,205,290	12,205,290
Operating expenses	1,073,385	1,073,385
Grants	<u>124,979,229</u>	<u>128,479,229</u>
Total	138,257,904	141,757,904

Source of funds

General fund	4,593,768	4,593,768
Special funds	2,844,721	2,844,721
Tobacco fund	750,388	750,388
Federal funds	<u>130,069,027</u>	<u>133,569,027</u>
Total	138,257,904	141,757,904

Sec. 32. 2020 Acts and Resolves No. 154, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds		
General fund	165,324,647	165,324,647
Special funds	21,134,730	21,134,730
Tobacco fund	750,388	750,388
Education fund	1,800,256,714	1,800,256,714
Federal funds	136,967,503	140,467,503
Global Commitment fund	260,000	260,000
Interdepartmental transfers	582,172	582,172
Pension trust funds	<u>5,929,795</u>	<u>5,929,795</u>
Total	<u>2,131,205,949</u>	2,134,705,949

Sec. 33. 2020 Acts and Resolves No. 154, Sec. B.700 is amended to read:

Sec. B.700 Natural resources - agency of natural resources - administration

Personal services	2,772,491	3,772,491
Operating expenses	<u>1,043,407</u>	<u>1,043,407</u>
Total	<u>3,815,898</u>	4,815,898
Source of funds		
General fund	3,134,594	4,134,594
Special funds	581,393	581,393
Interdepartmental transfers	<u>99,911</u>	<u>99,911</u>
Total	<u>3,815,898</u>	4,815,898

Sec. 34. 2020 Acts and Resolves No. 154, Sec. B.702 is amended to read:

Sec. B.702 Fish and wildlife - support and field services

Personal services	18,228,943	18,228,943
Operating expenses	7,048,001	7,093,001
Grants	<u>785,636</u>	<u>785,636</u>
Total	<u>26,062,580</u>	26,107,580
Source of funds		
General fund	6,506,744	6,551,744
Special funds	669,737	669,737
Fish and wildlife fund	9,099,448	9,099,448
Federal funds	8,611,533	8,611,533
Interdepartmental transfers	<u>1,175,118</u>	<u>1,175,118</u>
Total	<u>26,062,580</u>	26,107,580

Sec. 35. 2020 Acts and Resolves No. 154, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Source of funds		
General fund	31,157,460	32,202,460
Special funds	66,055,122	66,055,122

Fish and wildlife fund	9,099,448	9,099,448
Federal funds	52,185,233	52,185,233
Interdepartmental transfers	<u>10,440,051</u>	<u>10,440,051</u>
Total	<u>168,937,314</u>	<u>169,982,314</u>

Sec. 36. 2020 Acts and Resolves No. 154, Sec. B.901 is amended to read:

Sec. B.901 Transportation - aviation

Personal services	4,307,908	4,307,908
Operating expenses	5,037,764	5,011,524
Grants	<u>210,000</u>	<u>210,000</u>
Total	<u>9,555,672</u>	<u>9,529,432</u>

Source of funds

Transportation fund	4,553,828	4,527,588
Federal funds	<u>5,001,844</u>	<u>5,001,844</u>
Total	<u>9,555,672</u>	<u>9,529,432</u>

Sec. 37. 2020 Acts and Resolves No. 154, Sec. B.903 is amended to read:

Sec. B.903 Transportation - program development

Personal services	54,357,099	54,357,099
Operating expenses	241,593,174	243,193,174
Grants	<u>26,825,000</u>	<u>26,825,000</u>
Total	<u>322,775,273</u>	<u>324,375,273</u>

Source of funds

Transportation fund	42,204,675	42,204,675
TIB fund	8,904,313	8,904,313
Federal funds	271,141,834	272,741,834
Local match	<u>524,451</u>	<u>524,451</u>
Total	<u>322,775,273</u>	<u>324,375,273</u>

Sec. 38. 2020 Acts and Resolves No. 154, Sec. B.907 is amended to read:

Sec. B.907 Transportation - rail

Personal services	5,016,835	5,016,835
Operating expenses	26,447,613	19,897,613
Grants	<u>30,000</u>	<u>30,000</u>
Total	<u>31,494,448</u>	<u>24,944,448</u>

Source of funds

Transportation fund	14,942,605	11,592,605
TIB fund	760,000	760,000
Federal funds	14,634,998	11,434,998
Interdepartmental transfers	<u>1,156,845</u>	<u>1,156,845</u>
Total	<u>31,494,448</u>	<u>24,944,448</u>

Sec. 39. 2020 Acts and Resolves No. 154, Sec. B.910 is amended to read:

Sec. B.910 Department of motor vehicles

Personal services	22,480,038	23,062,038
Operating expenses	<u>11,865,495</u>	<u>12,171,495</u>
Total	34,345,533	35,233,533
Source of funds		
General fund	0	138,000
Transportation fund	32,852,324	32,852,324
Federal Coronavirus Relief Fund	0	750,000
Federal funds	1,345,934	1,345,934
Interdepartmental transfers	<u>147,275</u>	<u>147,275</u>
Total	34,345,533	35,233,533

Sec. 40. 2020 Acts and Resolves No. 154, Sec. B.919 is amended to read:

Sec. B.919 Transportation - municipal mitigation assistance program

Operating expenses	210,000	210,000
Grants	<u>5,845,000</u>	<u>6,495,715</u>
Total	6,055,000	6,705,715
Source of funds		
Transportation fund	650,000	650,000
Special funds	3,977,000	4,627,715
Federal funds	<u>1,428,000</u>	<u>1,428,000</u>
Total	6,055,000	6,705,715

Sec. 41. 2020 Acts and Resolves No. 154, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds

General fund	0	138,000
Transportation fund	254,180,308	250,804,068
TIB fund	11,100,770	11,100,770
Special funds	4,027,000	4,677,715
Federal Coronavirus Relief Fund	0	750,000
Federal funds	350,643,331	349,043,331
Internal service funds	20,982,875	20,982,875
Interdepartmental transfers	1,661,970	1,661,970
Local match	<u>913,177</u>	<u>913,177</u>
Total	643,509,431	640,071,906

Sec. 42. 2020 Acts and Resolves No. 154, Sec. D.101 is amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS AND RESERVES

* * *

(b) Notwithstanding any provision of law to the contrary, in fiscal year 2021:

* * *

(4) The following amount shall be transferred from the General Fund to the fund indicated:

<u>21270</u>	<u>Forest Parks Revolving Fund</u>	<u>1,200,000.00</u>
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* * *

(c) Notwithstanding any provision of law to the contrary, in fiscal year 2021:

* * *

(1) The following amounts shall revert to the General Fund from the accounts indicated:

* * *

<u>3420010000</u>	<u>Department of Health – Administration</u>	<u>252,948.23</u>
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* * *

(f) Notwithstanding any provision of law to the contrary, in fiscal year 2021:

(1) the following amount shall revert to the Clean Water Fund from the account indicated:

<u>6140040000</u>	<u>Environmental Conservation – Office of Water Programs</u>	<u>650,715.00</u>
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(g) Notwithstanding any provision of law to the contrary, in fiscal year 2021:

(1) the following amount shall be transferred from the Transportation Fund to the account indicated:

<u>20191</u>	<u>Transportation Infrastructure Bond Fund</u>	<u>200,000.00</u>
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Sec. 43. 2020 Acts and Resolves No. 154, Sec. E.301 is amended to read:

Sec. E.301 Secretary’s Office – Global Commitment

* * *

(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$24,283,719~~ \$24,147,353 is anticipated to be certified as State matching funds under the Global Commitment as follows:

* * *

(2) ~~\$2,816,169~~ \$2,679,803 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. 44. PRIORITIZING USE OF NON-CORONAVIRUS RELIEF
FEDERAL FUNDS; LEGISLATIVE INTENT

(a) It is the intent of the General Assembly to use federal funds from sources other than the Coronavirus Relief Fund (CRF), including federal funds provided to the State in the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, instead of using CRF monies whenever possible in order to apply CRF monies to other eligible purposes in light of the extension for using CRF monies from December 30, 2020 to December 31, 2021 in Sec. 1001 of the federal act.

(b) As soon as federal guidance is provided, similar actions taken by other states are known, or recommendations are made from knowledgeable consultants or contractors, the Secretary of Administration, in consultation with the Commissioner of Finance and Management and the Secretaries of Human Services and of Commerce and Community Development, shall report to the House and Senate Committees on Appropriations regarding the application of federal funds from the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, for eligible expenditures previously covered using CRF monies that were appropriated for emergency housing, rental arrearage assistance, utility arrearage assistance, nutrition assistance, and other social or human services purposes identified by the Secretaries and Commissioner.

Sec. 44a. LEGISLATURE: CRF USE THROUGH JUNE 30, 2021

(a) In light of the extension of time to use monies from the Coronavirus Relief Fund pursuant to Sec. 1001 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, the Legislature may continue to use monies remaining from the Coronavirus Relief Fund appropriated to the Legislative Branch during the 2020 session for appropriate expenditures during the remainder of fiscal year 2021.

Sec. 45. CORONAVIRUS RELIEF FUNDS; EMERGENCY RESPONSE;
PUBLIC HEALTH, SAFETY, OR WELFARE

(a) The Secretary of Administration may allocate up to a total of \$3,000,000.00 from the Coronavirus Relief Fund (CRF) through May 15, 2021, to the extent those monies available, for emergency response to address one or more issues affecting the public health, safety, or welfare.

(b) If the Secretary identifies a need to expend less than \$100,000.00 for emergency response to address an issue or issues affecting the public health, safety, or welfare, the Secretary may expend the CRF monies and shall notify the Joint Fiscal Committee of the expenditure.

(c)(1) If the Secretary of Administration identifies a need to expend \$100,000.00 or more for emergency response to address an issue or issues affecting the public health, safety, or welfare, the Secretary shall inform the Joint Fiscal Committee of the proposed expenditure.

(2) Any member of the Joint Fiscal Committee may request that the proposed expenditure be held for consideration by the full Committee by directing a request to the Secretary of Administration through the Joint Fiscal Office within 24 hours following receipt of the notice of proposed expenditure. The Office shall also immediately inform the other members of the Joint Fiscal Committee of the request for consideration and shall inform the General Assembly of the Secretary's proposed expenditure.

(3) Upon a Joint Fiscal Committee member's request for a proposed expenditure to be held for consideration, the Joint Fiscal Committee shall meet within three days to consider the proposed expenditure and determine whether to approve it.

(A) If the Joint Fiscal Committee approves the proposed expenditure, the Secretary may proceed to expend the CRF monies as proposed.

(B) If the Joint Fiscal Committee disapproves a proposed expenditure, the Secretary shall not expend the CRF monies as proposed but may submit the proposal to the General Assembly for consideration as an appropriation or may revise and resubmit the proposal to the Joint Fiscal Committee for reconsideration under this section.

(C) If the Joint Fiscal Committee does not meet within the three-day period or does not approve or disapprove the proposed expenditure within three days following receipt of the proposal, the Secretary may proceed to expend the CRF monies as proposed.

(4) If no member of the Joint Fiscal Committee has requested that the expenditure be held for consideration and approval upon expiration of the 24-hour period following receipt of the notice of proposed expenditure, Secretary may proceed to expend the CRF monies as proposed.

Sec. 46. 2020 Acts and Resolves No. 137, Sec. 13 is amended to read:

Sec. 13. COVID-RESPONSE ACCELERATED BROADBAND
CONNECTIVITY PROGRAM

* * *

(n) Any unexpended funds under the Program as of December 20, 2020 shall be returned to the State Coronavirus Relief Fund. Notwithstanding any provision of law to the contrary, the Commissioner of Public Service is authorized to continue disbursing funds under the Program for any broadband project contracted for prior to December 20, 2020 and not completed on or before December 30, 2020. The Commissioner shall retain any remaining balance of funds appropriated under this section and shall not disburse them for any other purpose without specific authorization from the General Assembly.

* * *

Sec. 47. COVID-RESPONSE TEMPORARY BROADBAND SUBSIDY PROGRAM; EXTENSION

(a) It is the intent of the General Assembly that the COVID-Response Temporary Broadband Lifeline Program established under 2020 Acts and Resolves No. 137, Sec. 13(d) be extended for an additional two months covering the period beginning on January 1, 2021 and ending on February 28, 2021.

(b) To accomplish the purpose of this section and notwithstanding any other provision of law to the contrary, the Department of Public Service is authorized to use \$275,000.00 of the unobligated balance remaining from the appropriations for broadband programs under Act 137 and 2020 Acts and Resolves No. 154 to extend the COVID-Response Temporary Broadband Lifeline Program to cover the period from January 1, 2021 through February 28, 2021.

Sec. 47a. FISCAL YEAR 2021 SUPPLEMENTAL VERMONT STATE COLLEGES APPROPRIATION

(a) In fiscal year 2021, in addition to other appropriations, the sum of \$3,600,000.00 is appropriated from the Coronavirus Relief Fund to Vermont State Colleges to assist with expenses related to the COVID-19 pandemic.

(b) In fiscal year 2021 or 2022, to the extent that Coronavirus Relief Funds are identified as available by the Commissioner of Finance, up to \$800,000 is appropriated to Vermont State Colleges to assist with expenses related to the COVID-19 pandemic.

Sec. 47b. 2020 Acts and Resolves No. 120, Sec. A.49(a)(2) is amended to read:

(2) The Vermont State Colleges (VSC): \$22,758,000 is granted to the VSC for costs and business disruption impacts through December 30, 2020 31,2021 due to the COVID-19 pandemic.

Sec. 48. AGENCY OF COMMERCE AND COMMUNITY
DEVELOPMENT; EVERYONE EATS

(a) It is the intent of the General Assembly to continue funding the Restaurants and Farmers Feeding the Hungry Program, known as Everyone Eats, through the end of fiscal year 2021 to the extent that sufficient Federal Emergency Management Agency (FEMA) funds are made available to meet Program needs.

(b) The Commissioner of Finance and Management shall use the excess receipts authority under 32 V.S.A. § 511 to make interdepartmental transfers from the FEMA account to the Agency of Commerce and Community Development for the purpose of funding the Everyone Eats Program through the end of fiscal year 2021.

Sec. 49. 2020 Acts and Resolves No. 120, Sec. A.49(a)(9) is amended to read:

(9) Agency of Human Services: ~~\$300,000~~ \$375,000 is appropriated to the Agency of Human Services to be granted to Vermont Legal Aid for increased costs of providing access to justice services in response to the COVID-19 pandemic. Up to 50% of this amount shall be used to cover the cost of per use electronic judicial filing fees though ~~December 30, 2020~~ March 31, 2021 to ensure all court users have timely access to justice as the judicial system resumes operations relying on greater digital remote online processes to ensure public health and safety after closure due to COVID-19.

Sec. 50. 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121, is further amended to read:

Sec. 7. AGENCY OF HUMAN SERVICES; HEALTH CARE PROVIDER
STABILIZATION GRANT PROGRAM

* * *

(e) Extraordinary relief to long-term care facilities; adult day programs; transfer authorized. Notwithstanding any provision of this section to the contrary, the Agency of Human Services may:

(1) disburse funds appropriated by this section to any long-term care facility in urgent need of extraordinary financial relief in the event of a COVID-19 outbreak in the facility;

(2) disburse funds appropriated by this section to any adult day service provider during the remainder of fiscal year 2021 if the Agency determines that the funds are necessary to ensure the provider's sustainability and funds are available for this purpose; and

(3) transfer funds appropriated by this section to the Agency of Commerce and Community Development for distribution to health care providers receiving financial assistance through the Economic Recovery program.

(f) Reports.

* * *

Sec. 50a. DEPARTMENT FOR CHILDREN AND FAMILIES; VSNIPI
FISCAL YEAR 2021 SUPPLEMENTAL APPROPRIATION

\$300,000.00 is appropriated to the Department for Children and Families from the General Fund to ensure the Vermont Spay Neuter Incentive Program is in fiscal balance by the close fiscal year 2021.

Sec. 51. DEPARTMENT FOR CHILDREN AND FAMILIES; HOUSING
FOR HOUSEHOLDS EXPERIENCING HOMELESSNESS;
CONTINUED USE OF FUNDS IN FISCAL YEAR 2021

In light of the extension of time to use monies from the Coronavirus Relief Fund pursuant to Sec. 1001 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, the Department for Children and Families may continue to use monies remaining from the Coronavirus Relief Fund appropriation to the Department in 2020 Acts and Resolves No. 137, Sec. 12, for programs and services that support safe, stable housing opportunities for Vermont households experiencing homelessness as a result of the COVID-19 public health emergency and related administrative costs during the remainder of fiscal year 2021.

* * *

Sec. 51a. DEPARTMENT FOR CHILDREN AND FAMILIES; HOUSING
FOR JUSTICE-INVOLVED JUVENILES

(a) The Department of Buildings and General Services shall review and approve any design documents prior to the State issuing a request for proposal for any project to renovate housing to make it building-secure for justice-involved juveniles.

(b) For the project described in subsection (a) of this section, the State shall secure a warranty bond on the entire cost of the project.

Sec. 52. 2020 Acts and Resolves No. 137, Sec. 11(a)(4) is amended to read:

(4) Rental assistance; eviction protection. ~~\$25,000,000.00~~
\$27,800,000.00 to the Department of Housing and Community Development for a grant to the Vermont State Housing Authority, which shall administer the

distribution of funds to landlords on behalf of tenants in need of rental arrearage assistance.

* * *

Sec. 53. [DELETED]

Sec. 54. 2020 Acts and Resolves No. 136, Sec. 6(f) is amended to read:

(f) Each covered employer that receives a grant shall, not later than 90 days after receiving the grant ~~and in no event later than~~ or by December 15, 2020, ~~whichever is earlier,~~ report to the Agency on a standard form provided by the Secretary the amount of grant funds used to provide hazard pay to eligible employees and the amount of any remaining grant funds that were not spent; provided, however, that the Agency may allow a grace period for reporting, in the Agency's discretion. All unspent grant funds shall be returned to the Agency pursuant to a procedure adopted by the Secretary.

Sec. 55. 2020 Acts and Resolves No. 121, Sec. 4(b), as amended by 2020 Acts and Resolves No. 154, Sec. G.103, is further amended to read:

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Rail, authorized spending for Statewide – Amtrak Contract is reduced by ~~\$750,000.00~~ \$4,100,000.00 in Transportation Fund monies and \$3,200,00.00 in federal fund monies.

Sec. 56. 2019 Acts and Resolves No. 59, Sec. 34, as amended by 2020 Acts and Resolves No. 121, Sec. 14, and 2020 Acts and Resolves No. 154, Sec. G.112, is further amended to read:

Sec. 34. VEHICLE INCENTIVE AND EMISSIONS REPAIR PROGRAMS

(a) Vehicle incentive and emissions repair programs administration.

* * *

(3) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the programs. Up to \$150,000.00 of program funding may be set aside for this purpose for the programs described in subsection (c) of this section in fiscal year 2020 and \$50,000.00 of program funding shall be set aside for this purpose for the programs described in ~~subsection~~ subdivision (c)(1) of this section in fiscal year 2021 ~~and to ensure that the emissions repair program is operational not later than July 1, 2021.~~

* * *

(c) High fuel efficiency vehicle incentive and emissions repair programs. Used high fuel efficiency vehicle purchase incentive and emissions repair programs for Vermont residents shall structure high fuel efficiency purchase incentive payments and emissions repair vouchers by income to help Vermonters benefit from more efficient driving, including Vermont's most vulnerable. Not less than \$750,000.00 shall be provided in point-of-sale and point-of repair vouchers.

* * *

(2) The emissions repair program, ~~which shall be operational on or before July 1, 2021,~~ shall:

* * *

Sec 57. BODY CAMERA DEPLOYMENT

(a) The Departments of Fish and Wildlife, of Liquor Control, and of Motor Vehicles shall only deploy the use of body cameras after appropriate training of staff and the adoption of policies on use and retention of records by each department. The Secretary of Administration shall provide a report to the Joint Fiscal and the Joint Justice Oversight Committees in September 2021 on the status of use of body cameras in these departments.

Sec. 58. 10 V.S.A. § 591(g) is amended to read:

(g) Members of the Council and members of subcommittees who are not State employees shall be entitled to per diem compensation and reimbursement of expenses for each day spent in the performance of their duties, as permitted under 32 V.S.A. § 1010. These payments shall be made from monies appropriated to the Agency of Natural Resources.

Sec. 59. EFFECTIVE DATES

This act shall take effect on passage, except that, notwithstanding 1 V.S.A. § 214:

(1) Sec. 50(e)(1) (extraordinary relief to long-term care facilities) shall take effect retroactively on November 1, 2020;

(2) Secs. 50(e)(2) (adult day programs) and 49 (judicial filing fees) shall take effect retroactively on December 1, 2020;

(3) Sec. 50(e)(3) (transfer authority) shall take effect retroactively on July 1, 2020; and

(4) Secs. 47 (broadband access) and 54 (hazard pay reports) shall take effect retroactively on December 15, 2020.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Reps. Hooper of Montpelier, Fagan of Rutland City, Feltus of Lyndon, Harrison of Chittenden, Helm of Fair Haven, Jessup of Middlesex, Scheu of Middlebury, Squirrell of Underhill, Toleno of Brattleboro, Townsend of South Burlington, and Yacovone of Morristown** moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

First: By striking out Sec. 57, body camera deployment, in its entirety and inserting in lieu thereof a new Sec. 57 to read as follows:

Sec. 57. BODY CAMERA DEPLOYMENT

The Departments of Fish and Wildlife, of Liquor Control, of Motor Vehicles shall only deploy the use of body cameras after appropriate training of staff and the adoptions of policies on use and retention of records. The departments shall identify the on-going cost and funding source for training, data storage and redaction and report these findings to the House and Senate Committees on Appropriations on or before March 15, 2021. The Secretary of Administration shall provide a report to the Joint Fiscal and the Joint Justice Oversight Committees in September 2021 on the status of use of body cameras in these departments.

Second: By striking out Sec. 59, effective dates, in its entirety and inserting in lieu thereof the following:

Sec. 59. 2020 Acts and Resolves No. 154, Sec. B.1122 is amended to read:

Sec. B.1122 VERMONT CORONAVIRUS ECONOMIC STIMULUS

EQUITY PROGRAM

* * *

(b) Establishment of Program; eligibility; maximum award.

(1) On or before November 15, 2020, the Agency of Administration shall establish the Vermont Coronavirus Economic Stimulus Equity Program to award direct relief grant payments to eligible adults and eligible children.

(2) In order to receive payment under the Program, an eligible adult shall certify that he or she:

(A) is a resident of Vermont;

(B) was ineligible to receive an economic impact payment under the CARES Act due to reasons of immigration status; and

(C) had an adjusted gross income of less than \$99,000.00 in taxable year 2019 or, if filing jointly, an adjusted gross income of less than \$198,000.00 in taxable year 2019.

(3) Each eligible adult shall receive \$1,200.00 and \$500.00 for each eligible child, provided that an eligible adult shall not receive an award for an eligible child if another applicant received an award for that child.

(4) Each award issued under this section shall be issued as a direct payment from the State of Vermont.

(5) All applications for a payment under this section shall be submitted on or before ~~March 1~~, May 1, 2021.

* * *

Sec. 60. 32 V.S.A. § 3102 is amended to read as follows:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

* * *

(e) The Commissioner may, in his or her discretion and subject to such conditions and requirements as he or she may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

* * *

(8) To the Commissioner of Labor for the purpose of establishing the identity or liability of employers for unemployment compensation, for the purpose of verifying the earnings of individuals in order to determine the amount of Pandemic Unemployment Assistance they are eligible to receive, and for the purpose of verifying and correcting personally identifiable information necessary for the creation and issuance of tax documents to individuals who received benefits through unemployment insurance and related federal and State benefit programs administered by the Department of Labor.

* * *

Sec. 61. 32 V.S.A. § 3102(e)(8) is amended to read:

(8) To the Commissioner of Labor for the purpose of establishing the identity or liability of employers for unemployment compensation, and for the purpose of verifying the earnings of individuals in order to determine the amount of Pandemic Unemployment Assistance they are eligible to receive, ~~and for the purpose of verifying and correcting personally identifiable information necessary for the creation and issuance of tax documents to~~

~~individuals who received benefits through unemployment insurance and related federal and State benefit programs administered by the Department of Labor.~~

Sec. 62. 32 V.S.A. § 3102(e)(8) is amended to read:

(8) To the Commissioner of Labor for the purpose of establishing the identity or liability of employers for unemployment compensation ~~and for the purpose of verifying the earnings of individuals in order to determine the amount of Pandemic Unemployment Assistance they are eligible to receive.~~

Sec. 63. USE OF FORCE TRAINING

Funds appropriated to the Department of Public Safety for use of force training pursuant to Act 165 of 2020 that are not expended in fiscal year 2021 shall carry forward to fiscal year 2022 and shall only be used for training in accordance with the standards for law enforcement use of force policy that is in place on July 1, 2021.

Sec. 64. EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214:

(1) Sec. 50(e)(1) (extraordinary relief to long-term care facilities) shall take effect retroactively on November 1, 2020;

(2) Secs. 50(e)(2) (adult day programs) and 49 (judicial filing fees) shall take effect retroactively on December 1, 2020;

(3) Sec. 50(e)(3) (transfer authority) shall take effect retroactively on July 1, 2020;

(4) Secs. 47 (broadband access) and 54 (hazard pay reports) shall take effect retroactively on December 15, 2020; and

(5) Sec. 60 (32 V.S.A. § 3102) shall take effect on passage and shall apply retroactively to January 15, 2021.

(b) Sec. 61 (32 V.S.A. § 3102 (e)(8)) shall take effect on July 1, 2021.

(c) Sec. 62 (32 V.S.A. § 3102 (e)(8)) shall take effect on July 1, 2022.

(d) The remaining sections shall take effect on passage.

Was agreed to.

Third Reading; Bill Passed

H. 81

House bill, entitled

An act relating to statewide public school employee health benefits

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

Third Reading; Bill Passed

H. 122

House bill, entitled

An act relating to boards and commissions

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

Adjournment

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

Thursday, February 18, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Higley of Lowell.

Message from the Senate No. 20

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 passed Senate bill of the following title:

S. 42. An act relating to establishing the Emergency Service Provider Wellness Commission.

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 as follows:

H. 282

By Rep. Durfee of Shaftsbury,

House bill, entitled

An act relating to enrollment in Medicare supplemental insurance policies

To the Committee on Health Care.

H. 283

By Reps. Strong of Albany, Batchelor of Derby, Higley of Lowell, Kitzmiller of Montpelier, LaClair of Barre Town, and Lefebvre of Newark,

House bill, entitled

An act relating to bodily autonomy and health care decision making

To the Committee on Human Services.

H. 284

By Reps. Ode of Burlington, Bluemle of Burlington, Cina of Burlington, Colston of Winooski, Hooper of Burlington, Mulvaney-Stanak of Burlington, Rachelson of Burlington, Small of Winooski, and Stebbins of Burlington,

House bill, entitled

An act relating to ending the suspension of State aid for school construction projects

To the Committee on Education.

H. 285

By Rep. Christie of Hartford,

House bill, entitled

An act relating to the Revised Uniform Arbitration Act

To the Committee on Judiciary.

H. 286

By Rep. Cordes of Lincoln,

House bill, entitled

An act relating to the authorized professional use of regulated drugs

To the Committee on Health Care.

H. 287

By Reps. Cordes of Lincoln, Anthony of Barre City, Burrows of West

Windsor, Cina of Burlington, Colburn of Burlington, Houghton of Essex, Ode of Burlington, Small of Winooski, Surprenant of Barnard, Troiano of Stannard, and Vyhovsky of Essex,

House bill, entitled

An act relating to patient financial assistance policies and medical debt protection

To the Committee on Health Care.

H. 288

By Rep. Mrowicki of Putney,

House bill, entitled

An act relating to background checks for firearms sales

To the Committee on Judiciary.

Committee Bill Introduced

H. 289

By the Committee on Government Operations

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

Pending appearance on the Calendar for Notice, affecting the revenue of the State, under Rule 35(a), was referred to the Committee on Ways and Means.

House Bills Introduced

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

H. 290

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to ski area operators and skiing accident reports

To the Committee on General, Housing, and Military Affairs.

H. 291

By Reps. McCormack of Burlington and Copeland Hanzas of Bradford,

House bill, entitled

An act relating to dealers in new or used cars or motor trucks
To the Committee on Transportation.

Senate Bill Referred

S. 42

Senate bill, entitled

An act relating to establishing the Emergency Service Provider Wellness Commission

Was read and referred to the Committee on Health Care.

Judicial Nominating Board Member Elected

Upon the resignation of **Rep. Burditt of West Rutland**, and pursuant to 4 V.S.A. § 601, the Speaker nominated to the Judicial Nominating Board the following member:

Rep. Goslant of Northfield

Rep. McCoy of Poultney moved the election of the candidate, as nominated by the Speaker, which was agreed to.

Adjournment

At one o'clock and twenty-nine 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 19, 2021

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. Sims of Craftsbury.

House Bills Introduced

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

H. 292

By Reps. Cina of Burlington, Colburn of Burlington, Cordes of Lincoln,

Hooper of Randolph, Masland of Thetford, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Patt of Worcester, Sheldon of Middlebury, Small of Winooski, Surprenant of Barnard, Toleno of Brattleboro, Vyhovsky of Essex, White of Bethel, and White of Hartford,

House bill, entitled

An act relating to a regenerative economy

To the Committee on Natural Resources, Fish, and Wildlife.

H. 293

By Reps. Lanpher of Vergennes, Mrowicki of Putney, Anthony of Barre City, Birong of Vergennes, Bos-Lun of Westminster, Brady of Williston, Brumsted of Shelburne, Cina of Burlington, Coffey of Guilford, Dolan of Essex, Donnally of Hyde Park, Hooper of Burlington, James of Manchester, Noyes of Wolcott, Ode of Burlington, Pajala of Londonderry, Satcowitz of Randolph, Sheldon of Middlebury, Squirrell of Underhill, Stevens of Waterbury, Sullivan of Dorset, Townsend of South Burlington, Vyhovsky of Essex, Wood of Waterbury, and Yacovone of Morristown,

House bill, entitled

An act relating to creating the State Youth Council

To the Committee on Government Operations.

H. 294

By Reps. Dickinson of St. Albans Town, Corcoran of Bennington, Higley of Lowell, Jerome of Brandon, Kimbell of Woodstock, Marcotte of Coventry, and Savage of Swanton,

House bill, entitled

An act relating to prohibiting certain provisions in dental insurance contracts with dentists

To the Committee on Commerce and Economic Development.

H. 295

By Rep. Troiano of Stannard,

House bill, entitled

An act relating to the election and qualifications of the Adjutant and Inspector General

To the Committee on General, Housing, and Military Affairs.

H. 296

By Reps. Bos-Lun of Westminster, Colburn of Burlington, Anthony of Barre City, Brady of Williston, Burke of Brattleboro, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Goldman of Rockingham, Kornheiser of Brattleboro, Lippert of Hinesburg, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Rachelson of Burlington, Surprenant of Barnard, Troiano of Stannard, White of Bethel, and White of Hartford,

House bill, entitled

An act relating to reducing the imposition of cash bail

To the Committee on Judiciary.

H. 297

By Reps. Howard of Rutland City, White of Hartford, Anthony of Barre City, Burke of Brattleboro, Chase of Colchester, Cina of Burlington, Colburn of Burlington, Morris of Springfield, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Small of Winooski, Vyhovsky of Essex, and Walz of Barre City,

House bill, entitled

An act relating to a surcharge on income tax

To the Committee on Ways and Means.

H. 298

By Reps. White of Hartford and Christie of Hartford,

House bill, entitled

An act relating to administrative penalties for law enforcement use of excessive force

To the Committee on Judiciary.

H. 299

By Reps. Cina of Burlington, McCullough of Williston, and Vyhovsky of Essex,

House bill, entitled

An act relating to requiring public notice of environmental activities or public health conditions

To the Committee on Natural Resources, Fish, and Wildlife.

Second Reading; Bill Amended; Third Reading Ordered

H. 89

Rep. Surprenant of Barnard, for the Committee on Agriculture and Forestry, to which had been referred House bill, entitled

An act relating to limiting liability for agritourism

Reported in favor of its passage when amended as follows:

In Sec. 1, 12 V.S.A. § 5871, definitions:

First: By striking out subdivision (1), agricultural fair, in its entirety.

Second: By striking out subdivision (2)(A) in its entirety and inserting in lieu thereof the following:

(1)(A) “Agritourism activity” means an interactive or passive activity that is carried out for recreational, entertainment, or educational purposes on a farm and includes farming, food production, historical, cultural, pick-your-own, and nature-based activities.

Third: By renumbering the remaining subdivisions to be numerically correct.

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

Favorable Report; Second Reading; Third Reading Ordered

S. 14

Rep. Stevens of Waterbury, for the Committee on General, Housing, and Military Affairs, to which had been referred Senate bill, entitled

An act relating to deed restrictions and housing density

Reported in favor of its passage in concurrence

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

Adjournment

At ten o'clock and twenty-one minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 23, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 16.

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 Joint Rules of the Senate and House of

Representatives, are hereby adopted on the part of the House:

H.C.R. 18

House concurrent resolution in memory of Cynthia M. (Peterson) Eastman

H.C.R. 19

House concurrent resolution congratulating Megan Nick of Shelburne on her victories in the 2021 FIS Freestyle World Cup competition

[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 2021, seventy-sixth Biennial session.]

Tuesday, February 23, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Bluemle of Burlington.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 21

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 passed Senate bill of the following title:

S. 18. An act relating to limiting earned good time sentence reductions for offenders convicted of certain crimes.

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

The Senate has considered House proposals of amendment to Senate proposal of amendment to House bill of the following title:

H. 138. An act relating to fiscal year 2021 budget adjustments.

And has concurred therein.

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

H.C.R. 18. House concurrent resolution in memory of Cynthia M. (Peterson) Eastman.

H.C.R. 19. House concurrent resolution congratulating Megan Nick of Shelburne on her victories in the 2021 FIS Freestyle World Cup competition.

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. 300

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to stormwater management by wood processing facilities

To the Committee on Agriculture and Forestry.

H. 301

By Reps. Williams of Granby, Batchelor of Derby, Mrowicki of Putney, Page of Newport City, Townsend of South Burlington, and Yantachka of Charlotte,

House bill, entitled

An act relating to limiting the transport of catalytic converters

To the Committee on Commerce and Economic Development.

H. 302

By Reps. Grad of Moretown, Canfield of Fair Haven, Dolan of Waitsfield, Stevens of Waterbury, and Wood of Waterbury,

House bill, entitled

An act relating to criminal threatening in schools

To the Committee on Judiciary.

H. 303

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to the membership of the Vermont Municipal Employees'

System

To the Committee on Government Operations.

H. 304

By Rep. Mrowicki of Putney,

House bill, entitled

An act relating to creating the crime of extortion by introducing ransomware

To the Committee on Judiciary.

H. 305

By Rep. Anthony of Barre City,

House bill, entitled

An act relating to the creation of a new group membership in the Vermont State Employees' Retirement System

To the Committee on Government Operations.

H. 306

By Reps. Sims of Craftsbury, Bluemle of Burlington, Stebbins of Burlington, Anthony of Barre City, Austin of Colchester, Burke of Brattleboro, Burrows of West Windsor, Cordes of Lincoln, James of Manchester, Masland of Thetford, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Ode of Burlington, Vyhovsky of Essex, and Walz of Barre City,

House bill, entitled

An act relating to developing a State Planning Office

To the Committee on Natural Resources, Fish, and Wildlife.

H. 307

By Rep. LaClair of Barre Town,

House bill, entitled

An act relating to front number plates and tinted windows on motor vehicles

To the Committee on Transportation.

H. 308

By Reps. Troiano of Stannard, Anthony of Barre City, Cina of Burlington, Cordes of Lincoln, Hooper of Montpelier, Hooper of Burlington, Howard of

Rutland City, and Yantachka of Charlotte,

House bill, entitled

An act relating to authorizing card check elections

To the Committee on General, Housing, and Military Affairs.

H. 309

By Reps. Cina of Burlington, Colburn of Burlington, Colston of Winooski, Donnally of Hyde Park, Mulvaney-Stanak of Burlington, Small of Winooski, Stevens of Waterbury, Surprenant of Barnard, Toleno of Brattleboro, and Vyhovsky of Essex,

House bill, entitled

An act relating to decriminalizing certain chemical compounds found in plants and fungi that are commonly used for medicinal, spiritual, religious, or entheogenic purposes

To the Committee on Judiciary.

H. 310

By Reps. Cina of Burlington, Donnally of Hyde Park, Surprenant of Barnard, Toleno of Brattleboro, and Vyhovsky of Essex,

House bill, entitled

An act relating to the regulation of kratom products

To the Committee on Human Services.

H. 311

By Reps. Stebbins of Burlington, Anthony of Barre City, Bartholomew of Hartland, Brumsted of Shelburne, Burke of Brattleboro, Campbell of St. Johnsbury, Cordes of Lincoln, James of Manchester, Masland of Thetford, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Ode of Burlington, Patt of Worcester, Squirrel of Underhill, Till of Jericho, Troiano of Stannard, and Yantachka of Charlotte,

House bill, entitled

An act relating to assessing long-term climate change challenges and opportunities in the State's economic and revenue forecasts

To the Committee on Natural Resources, Fish, and Wildlife.

H. 312

By Rep. Bartholomew of Hartland,

House bill, entitled

An act relating to excessive motor vehicle noise

To the Committee on Transportation.

H. 313

By Reps. Birong of Vergennes, Beck of St. Johnsbury, Dolan of Waitsfield, Durfee of Shaftsbury, Hango of Berkshire, Harrison of Chittenden, Jerome of Brandon, Killacky of South Burlington, Nicoll of Ludlow, Noyes of Wolcott, Ode of Burlington, Scheuermann of Stowe, Troiano of Stannard, and Wood of Waterbury,

House bill, entitled

An act relating to miscellaneous amendments to alcoholic beverage laws

To the Committee on General, Housing, and Military Affairs.

H. 314

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to reducing first- and third-class license fees for the year 2021

To the Committee on General, Housing, and Military Affairs.

Committee Bill Introduced

H. 315

By the Committee on Appropriations

House bill, entitled

An act relating to COVID-19 relief

Pending appearance on the Calendar for Notice, affecting the revenue of the State, under Rule 35(a), was referred to the Committee on Ways and Means.

Senate Bill Referred

S. 18

Senate bill, entitled

An act relating to limiting earned good time sentence reductions for offenders convicted of certain crimes

Was read and referred to the Committee on Corrections and Institutions.

Bill Referred to Committee on Appropriations**H. 289**

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

Appearing on the Calendar, carrying an appropriation, under Rule 35(a), was referred to the Committee on Appropriations.

Third Reading; Bill Passed**H. 89**

House bill, entitled

An act relating to limiting liability for agritourism

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

Third Reading; Bill Passed in Concurrence**S. 14**

Senate bill, entitled

An act relating to deed restrictions and housing density

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

Adjournment

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

Wednesday, February 24, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Rachelson of Burlington.

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. 316

By Reps. Yantachka of Charlotte, Ancel of Calais, Anthony of Barre City, Brumsted of Shelburne, Masland of Thetford, and Till of Jericho,

House bill, entitled

An act relating to control over hunting dogs

To the Committee on Natural Resources, Fish, and Wildlife.

H. 317

By Reps. Grad of Moretown, LaLonde of South Burlington, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, and Colston of Winooski,

House bill, entitled

An act relating to establishing the Bureau of Racial Justice Statistics and the Bureau of Racial Justice Statistics Advisory Panel

To the Committee on Judiciary.

H. 318

By Reps. Masland of Thetford, Anthony of Barre City, Batchelor of Derby, Beck of St. Johnsbury, Briglin of Thetford, Campbell of St. Johnsbury, Jerome of Brandon, Kitzmiller of Montpelier, McCullough of Williston, Mrowicki of Putney, Norris of Sheldon, and Sullivan of Dorset,

House bill, entitled

An act relating to a private right of action against unpermitted salvage yards

To the Committee on Judiciary.

H. 319

By Reps. Masland of Thetford and Briglin of Thetford,

House bill, entitled

An act relating to immunity from liability for licensed professionals providing essential services during emergencies

To the Committee on Judiciary.

H. 320

By Reps. Stevens of Waterbury and Christie of Hartford,
House bill, entitled

An act relating to prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim

To the Committee on General, Housing, and Military Affairs.

H. 321

By Reps. Colston of Winooski, McCullough of Williston, and Townsend of South Burlington,

House bill, entitled

An act relating to establishing an F-35 Adverse Impacts Compensation Board and Compensation Fund

To the Committee on Transportation.

H. 322

By Reps. Strong of Albany, Batchelor of Derby, Higley of Lowell, Kitzmiller of Montpelier, LaClair of Barre Town, and Lefebvre of Newark,

House bill, entitled

An act relating to establishing an exemption to immunizations required for attendance at school and child care facilities on the basis of conscientious and personal beliefs

To the Committee on Human Services.

H. 323

By Reps. Strong of Albany, Batchelor of Derby, Higley of Lowell, LaClair of Barre Town, Lefebvre of Newark, and Masland of Thetford,

House bill, entitled

An act relating to reporting on adverse reactions related to immunizations

To the Committee on Health Care.

H. 324

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to coverage by commercial health insurers for costs associated with medication-assisted treatment

To the Committee on Human Services.

H. 325

By Reps. Burke of Brattleboro and Coffey of Guilford,

House bill, entitled

An act relating to wrecker exemption from gross weight limits on highways

To the Committee on Transportation.

H. 326

By Reps. McCullough of Williston and Brady of Williston,

House bill, entitled

An act relating to freezing the common level of appraisal

To the Committee on Ways and Means.

H. 327

By Rep. Hooper of Burlington,

House bill, entitled

An act relating to taxing transfers of certain properties that are exempt from education property tax

To the Committee on Ways and Means.

H. 328

By Reps. Grad of Moretown, Anthony of Barre City, Canfield of Fair Haven, Donahue of Northfield, Fagan of Rutland City, Goslant of Northfield, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Masland of Thetford, Mrowicki of Putney, Norris of Sheldon, Noyes of Wolcott, Ode of Burlington, Page of Newport City, Savage of Swanton, Squirrell of Underhill, Sullivan of Dorset, Till of Jericho, Townsend of South Burlington, and Yantachka of Charlotte,

House bill, entitled

An act relating to the education of military families

To the Committee on Education.

H. 329

By Reps. Christie of Hartford, Anthony of Barre City, Brumsted of Shelburne, Burrows of West Windsor, Cina of Burlington, Copeland Hanzas of Bradford, Dolan of Waitsfield, Donnally of Hyde Park, Mrowicki of Putney, Small of Winooski, Till of Jericho, Townsend of South Burlington, Troiano of

Stannard, White of Bethel, and Yantachka of Charlotte,

House bill, entitled

An act relating to amending the prohibitions against discrimination

To the Committee on General, Housing, and Military Affairs.

H. 330

By Rep. Troiano of Stannard,

House bill, entitled

An act relating to designating certain sheriff's deputies as classified State employees

To the Committee on Government Operations.

H. 331

By Reps. Marcotte of Coventry, Kimbell of Woodstock, Jerome of Brandon, Dickinson of St. Albans Town, Seymour of Sutton, Kitzmiller of Montpelier, Nicoll of Ludlow, and White of Bethel,

House bill, entitled

An act relating to insurance, banking, and securities

To the Committee on Commerce and Economic Development.

H. 332

By Reps. Hango of Berkshire, Durfee of Shaftsbury, Birong of Vergennes, Gregoire of Fairfield, Harrison of Chittenden, Higley of Lowell, James of Manchester, Morrissey of Bennington, Page of Newport City, Smith of New Haven, and Williams of Granby,

House bill, entitled

An act relating to expanding loan repayment opportunities for physician assistants and advanced practice registered nurses

To the Committee on Health Care.

H. 333

By Reps. Scheuermann of Stowe, Noyes of Wolcott, and Yacovone of Morristown,

House bill, entitled

An act relating to pretrial release of a person charged with impaired driving with serious bodily injury or death resulting

To the Committee on Judiciary.

H. 334

By Rep. Christie of Hartford,

House bill, entitled

An act relating to bias training for school bus operators

To the Committee on Transportation.

H. 335

By Rep. Christie of Hartford,

House bill, entitled

An act relating to reduced motor vehicle registration fees for veterans and the maintenance of a database of veterans in Vermont

To the Committee on Transportation.

H. 336

By Reps. Coffey of Guilford, Mrowicki of Putney, Bluemle of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Colston of Winooski, Cordes of Lincoln, Dolan of Waitsfield, Goldman of Rockingham, Grad of Moretown, James of Manchester, Ode of Burlington, Stevens of Waterbury, Surprenant of Barnard, Toleno of Brattleboro, Townsend of South Burlington, White of Hartford, Wood of Waterbury, and Yantachka of Charlotte,

House bill, entitled

An act relating to promoting economic opportunity for BIPOC-owned businesses

To the Committee on Commerce and Economic Development.

Committee Bills Introduced

H. 337

By the Committee on Government Operations,

An act relating to the printing and distribution of State publications

Was read and pursuant to Rule 48, bill was placed on the Calendar for Notice.

H. 338

By the Committee on Government Operations,

An act relating to reapportionment proposal deadlines

Was read and pursuant to Rule 48, bill was placed on the Calendar for Notice.

Bill Referred to Committee on Ways and Means

H. 35

House bill, entitled

An act relating to eliminating eligible school construction costs from a school district's excess spending

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

House Resolution Adopted

H.R. 8

House resolution, entitled

House resolution extending the House's declaration of a state of emergency

Offered by: Committee on Rules

Whereas, on the first day of the 2021–22 biennium, the House adopted H.R. 1 (declaring a state of emergency), which declared a state of emergency due to the COVID-19 pandemic for the House's rules and procedures through March 9, 2021, and

Whereas, temporary House Rules 9a and 29a—which the House also adopted on the first day of the biennium via H.R. 2 (authorizing remote debate and voting in the House and House committees)—allow the House and its committees to vote remotely and engage in debate remotely while the House's declaration of a state of emergency is in effect, and

Whereas, the ongoing COVID-19 pandemic continues to require that the House and its committees be authorized to participate remotely in order to permit the House to conduct its business in the safest manner possible to prevent the spread of COVID-19 throughout Vermont communities, now therefore be it

Resolved by the House of Representatives:

That the House of Representatives extends its declaration of a state of emergency through May 15, 2021 for its rules and procedures.

Was read and adopted.

House Resolution Adopted**H.R. 9**

House resolution, entitled

House resolution amending House Rules regarding records in the Journal

Offered by: Committee on Rules

Whereas, the House's practice regarding whether to record devotional exercises in the Journal has been questioned in recent bienniums, and

Whereas, the House's custom is to not record debate in the Journal, and

Whereas, the Rules of the House are not explicit regarding whether devotional exercises or debate may be journalized, now therefore be it

Resolved by the House of Representatives:

That this legislative body amends Rule 19 of the Rules and Orders of the House of Representatives as follows:

19. The Clerk shall prepare the Journal and cause it to be printed. The Journal shall record the proceedings of the House, except when the House is acting in Committee of the Whole, including the titles of bills, proposed amendments, the names of the members; and the votes which that they give on every question decided by roll call, and such other matters as may be pertinent, except that devotional exercises and members' comments during debate shall not be recorded in the Journal. The Journal shall not be read except at the direction of the House.

Was read and adopted.

Second Reading; Bill Amended; Third Reading Ordered**H. 135**

Rep. Gannon of Wilmington. for the Committee on Government Operations, to which had been referred House bill entitled,

An act relating to the State Ethics Commission

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

Sec. 1. 3 V.S.A. chapter 31 is amended to read:

CHAPTER 31. GOVERNMENTAL ETHICS

* * *

Subchapter 2. Disclosures

§ 1211. EXECUTIVE OFFICERS; ~~BIENNIAL~~ ANNUAL DISCLOSURE

(a) ~~Biennially~~ Annually, each Executive officer shall file with the State Ethics Commission a disclosure form that contains the following information in regard to the previous calendar year:

(1) Each source, but not amount, of personal income of the officer and of his or her spouse or domestic partner, and of the officer together with his or her spouse or domestic partner, that totals more than \$5,000.00, including any of the sources meeting that total described as follows:

(A) employment, including the employer or business name and address and, if self-employed, a description of the nature of the self-employment without needing to disclose any individual clients; and

(B) investments, described generally as “investment income.”

(2) Any board, commission, or other entity that is regulated by law or that receives funding from the State on which the officer served and the officer’s position on that entity.

(3) Any company of which the officer or his or her spouse or domestic partner, or the officer together with his or her spouse or domestic partner, owned more than 10 percent.

(4) Any lease or contract with the State held or entered into by:

(A) the officer or his or her spouse or domestic partner; or

(B) a company of which the officer or his or her spouse or domestic partner, or the officer together with his or her spouse or domestic partner, owned more than 10 percent.

(b) In addition, if an Executive officer’s spouse or domestic partner is a lobbyist, the officer shall disclose that fact and provide the name of his or her spouse or domestic partner and, if applicable, the name of his or her lobbying firm.

(c)(1) Disclosure forms shall contain the statement, “I certify that the information provided on all pages of this disclosure form is true to the best of my knowledge, information, and belief.”

(2) Each Executive officer shall sign his or her disclosure form in order to certify it in accordance with this subsection.

(d)(1) An officer shall file his or her disclosure on or before January 15 of the ~~odd-numbered~~ each year or, if he or she is appointed after January 15, within 10 days after that appointment.

(2) An officer who filed this disclosure form as a candidate in accordance with 17 V.S.A. § 2414 in the preceding year and whose disclosure information has not changed since that filing may update that filing to indicate that there has been no change.

~~(d)~~(e) As used in this section:

(1) “Domestic partner” means an individual with whom the Executive officer has an enduring domestic relationship of a spousal nature, as long as the officer and the domestic partner:

(A) have shared a residence for at least six consecutive months;

(B) are at least 18 years of age;

(C) are not married to or considered a domestic partner of another individual;

(D) are not related by blood closer than would bar marriage under State law; and

(E) have agreed between themselves to be responsible for each other’s welfare.

(2) “Lobbyist” and “lobbying firm” shall have the same meanings as in 2 V.S.A. § 261.

§ 1212. COMMISSION MEMBERS AND EXECUTIVE DIRECTOR;

~~BIENNIAL~~ ANNUAL DISCLOSURE

(a) ~~Biennially~~ Annually, each member of the Commission and the Executive Director of the Commission shall file with the Executive Director a disclosure form that meets the requirements of and contains the information that Executive officers are required to disclose under section 1211 of this subchapter.

(b) A member and the Executive Director shall file their disclosures on or before January 15 of ~~the first each~~ year of ~~their appointments~~ or, if the member or Executive Director is appointed after January 15, within 10 days after that appointment, ~~and shall file subsequent disclosures biennially thereafter.~~

§ 1213. DISCLOSURES; GENERALLY

(a) The Executive Director of the Commission shall prepare on behalf of the Commission any disclosure form required to be filed with it and the candidate disclosure form described in 17 V.S.A. § 2414, and shall make ~~these~~ forms to be filed with the Commission available on the Commission’s website.

(b) The Executive Director shall post on the Commission’s website a copy of any disclosure form the Commission receives.

Subchapter 3. State Ethics Commission

§ 1221. STATE ETHICS COMMISSION

(a) Creation. There is created within the Executive Branch an independent commission named the State Ethics Commission to accept, review, make referrals regarding, and track complaints of alleged violations of governmental conduct regulated by law, of the Department of Human Resources ~~Code of Ethics~~ Personnel Policy and Procedure Manual, and of the State's campaign finance law set forth in 17 V.S.A. chapter 61; to provide ethics training; and to issue guidance and advisory opinions regarding ethical conduct.

(b) Membership.

(1) The Commission shall be composed of the following five members:

(A) one member appointed by the Chief Justice of the Supreme Court;

(B) one member appointed by the League of Women Voters of Vermont, who shall be a member of the League;

(C) one member appointed by the Board of Directors of the Vermont Society of Certified Public Accountants, who shall be a member of the Society;

(D) one member appointed by the Board of Managers of the Vermont Bar Association, who shall be a member of the Association; and

(E) one member appointed by the Board of Directors of the SHRM (Society of Human Resource Management) Vermont Human Resource Association State Council, who shall be a member of the Association Council.

(2) The Commission shall elect the Chair of the Commission from among its membership.

(3) A member shall not:

(A) hold any office in the Legislative, Executive, or Judicial Branch of State government or otherwise be employed by the State;

(B) hold or enter into any lease or contract with the State, or have a controlling interest in a company that holds or enters into a lease or contract with the State;

(C) be a lobbyist;

(D) be a candidate for State ~~or~~ legislative, or elected judicial office;

or

(E) hold any office in a State or legislative, or elected judicial office candidate's committee, a political committee, or a political party.

(4) A member may be removed for cause by the remaining members of the Commission in accordance with the Vermont Administrative Procedure Act.

(5)(A) A member shall serve a term of ~~three~~ five years and until a successor is appointed. A term shall begin on January 1 of the year of appointment and run through December 31 of the last year of the term. Terms of members shall be staggered so that ~~not all~~ no two terms expire at the same time.

(B) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(C) A member shall not serve more than two consecutive terms. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of this subdivision (C).

(c) Executive Director.

(1) The Commission shall be staffed by an Executive Director who shall be appointed by and serve at the pleasure of the Commission and who shall be a part-time exempt State employee.

(2) The Executive Director shall maintain the records of the Commission and shall provide administrative support as requested by the Commission, in addition to any other duties required by this chapter.

(3) With the consent of the Commission, the Executive Director may employ persons necessary for the efficient administration of the Commission.

(d) Confidentiality. The Commission and the Executive Director shall maintain the confidentiality required by this chapter.

(e) Meetings. Meetings of the Commission:

(1) shall be held at least quarterly for the purpose of the Executive Director updating the Commission on his or her work;

(2) may be called by the Chair and shall be called upon the request of any other two Commission members; and

(3) shall be conducted in accordance with 1 V.S.A. § 172.

(f) Reimbursement. Each member of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

* * *

§ 1223. PROCEDURE FOR HANDLING COMPLAINTS

(a) Accepting complaints.

(1) On behalf of the Commission, the Executive Director shall accept complaints from any source regarding governmental ethics in any of the three branches of State government or of the State's campaign finance law set forth in 17 V.S.A. chapter 61.

(2) Complaints shall be in writing and shall include the identity of the complainant.

(b) Preliminary review by Executive Director. The Executive Director shall conduct a preliminary review of complaints made to the Commission in order to take action as set forth in this subsection, which shall include referring complaints to all relevant entities.

(1) Governmental conduct regulated by law.

(A) If the complaint alleges a violation of governmental conduct regulated by law, the Executive Director shall refer the complaint to the Attorney General or to the State's Attorney of jurisdiction, as appropriate.

(B) The Attorney General or State's Attorney shall file a report with the Executive Director regarding his or her decision as to whether to bring an enforcement action as a result of a complaint referred under subdivision (A) of this subdivision (1) within 10 days of that decision.

(2) Department of Human Resources, ~~Code of Ethics~~ Personnel Policy and Procedure Manual.

(A) If the complaint alleges a violation of the Department of Human Resources, ~~Code of Ethics~~ Personnel Policy and Procedure Manual, the Executive Director shall refer the complaint to the Commissioner of Human Resources.

(B) The Commissioner shall report back to the Executive Director regarding the final disposition of a complaint referred under subdivision (A) of this subdivision (2) within 10 days of that final disposition.

(3) Campaign finance.

(A) If the complaint alleges a violation of campaign finance law, the Executive Director shall refer the complaint to the Attorney General or to the State's Attorney of jurisdiction, as appropriate.

(B) The Attorney General or State's Attorney shall file a report with the Executive Director regarding his or her decision as to whether to bring an enforcement action as a result of a complaint referred under subdivision (A) of this subdivision (3) as set forth in 17 V.S.A. § 2904a.

(4) Legislative and Judicial Branches; attorneys.

(A) If the complaint is in regard to conduct committed by a State Senator, the Executive Director shall refer the complaint to the Senate Ethics Panel and shall request a report back from the Panel regarding the final disposition of the complaint.

(B) If the complaint is in regard to conduct committed by a State Representative, the Executive Director shall refer the complaint to the House Ethics Panel and shall request a report back from the Panel regarding the final disposition of the complaint.

(C) If the complaint is in regard to conduct committed by a judicial officer, the Executive Director shall refer the complaint to the Judicial Conduct Board and shall request a report back from the Board regarding the final disposition of the complaint.

(D) If the complaint is in regard to an attorney employed by the State, the Executive Director shall refer the complaint to the Professional Responsibility Board and shall request a report back from the Board regarding the final disposition of the complaint.

(E) If any of the complaints described in subdivisions (A)–(D) of this subdivision (4) also allege that a crime has been committed, the Executive Director shall also refer the complaint to the Attorney General and the State's Attorney of jurisdiction.

(5) Closures. The Executive Director shall close any complaint that he or she does not refer as set forth in subdivisions (1)–(4) of this subsection.

(c) Confidentiality. Complaints and related documents in the custody of the Commission shall be exempt from public inspection and copying under the Public Records Act and kept confidential.

§ 1224. COMMISSION ETHICS TRAINING

At least annually, in collaboration with the Department of Human Resources, the Commission shall make available to legislators, State officers, and State employees training on issues related to governmental ethics. The

training shall include topics related to those covered in any guidance provided or advisory opinion issued under section 1225 of this subchapter.

§ 1225. EXECUTIVE DIRECTOR GUIDANCE AND ADVISORY
OPINIONS

(a) Guidance.

(1) The Executive Director may ~~issue~~ provide to an ~~Executive officer or other State employee~~ a person who is or will be subject to the provisions of this chapter, upon his or her request, guidance with respect to that person's duties regarding any provision of this chapter or regarding any other issue related to governmental ethics.

(2) The Executive Director may consult with members of the Commission and the Department of Human Resources in preparing this guidance.

(3) ~~Guidance issued~~ provided under this subsection shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential unless the receiving entity has publicly disclosed it.

(b) Advisory opinions.

(1) ~~The~~ On the written request of a person who is or will be subject to the provisions of this chapter, the Executive Director may ~~issue an advisory opinions~~ opinion to that person that ~~provide~~ provides general advice or interpretation with respect to that person's duties regarding any provision of this chapter or regarding any other issue related to governmental ethics.

(2) The Executive Director may consult with members of the Commission and the Department of Human Resources in preparing these advisory opinions.

(3) The Executive Director may seek comment from persons interested in the subject of an advisory opinion under consideration.

(4) The Executive Director shall post on the Commission's website any advisory opinions that he or she issues.

§ 1226. COMMISSION REPORTS

Annually, on or before January 15, the Commission shall report to the General Assembly regarding the following issues:

(1) Complaints. The number and a summary of the complaints made to it, separating the complaints by topic, and the disposition of those complaints, including any prosecution, enforcement action, or dismissal. This summary of complaints shall not include any personal identifying information.

(2) Guidance. The number of requests for and a summary of the guidance documents the Executive Director issued provided, separating the guidance by topic. This summary of guidance shall not include any personal identifying information.

(3) Recommendations. Any recommendations for legislative action to address State governmental ethics or provisions of campaign finance law.

Sec. 2. 2017 Acts and Resolves No. 79, Sec. 13, as amended by 2020 Acts and Resolves No. 120, Sec. A.8 is further amended to read:

Sec. 13. STATE ETHICS COMMISSION FUNDING SOURCE
SURCHARGE; REPEAL

(a) Surcharge.

(1) Notwithstanding the provisions of 3 V.S.A. § 2283(c) setting forth the purpose and rate of charges collected in the Human Resource Services Internal Service Fund, in fiscal year 2018 and thereafter, a surcharge of up to 2.3 percent, but no greater than the cost of the activities of the State Ethics Commission set forth in Sec. 7 of this act, on the per-position portion of the charges authorized in 3 V.S.A. § 2283(c)(2) shall be assessed to all Executive Branch agencies, departments, and offices and shall be paid by all assessed entities solely with State funds.

(2) The amount collected shall be accounted for within the Human Resource Services Internal Service Fund and used solely for the purposes of funding the activities of the State Ethics Commission set forth in Sec. 7 of this act.

(b) Repeal. This section shall be repealed on ~~June 30, 2021~~ July 1, 2022.

Sec. 3. IMPLEMENTATION OF STAGGERED FIVE-YEAR TERMS

In order to stagger the terms of the members of the State Ethics Commission as described in 3 V.S.A. § 1221(b)(5)(A) in Sec. 1 of this act, members shall serve five-year terms beginning on January 1, 2022, except that:

(a) following the conclusion of the current term of the Chief Justice of the Supreme Court appointment on December 31, 2023, the subsequent Chief Justice of the Supreme Court appointment shall be for a two-year term ending on December 31, 2025; and

(b) following the conclusion of the current term of the Board of Directors of the Vermont Human Resource Association appointment on December 31, 2022, the subsequent SHRM (Society of Human Resource Management) Vermont State Council appointment shall be for a two-year term ending on December 31, 2024.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Jessup of Middlesex, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Government Operations and when further amended as follows:

In Sec. 1, 3 V.S.A. chapter 31, in section 1221, in subsection (c), by striking out subdivision (3) in its entirety.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, and the report of the Committee on Government Operations was amended as recommended by the Committee on Appropriations. Report of the Committee on Government Operations, as amended, agreed to and third reading ordered.

Adjournment

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

Thursday, February 25, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Redmond of Essex.

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. 339

By Reps. Morrissey of Bennington, Achey of Middletown Springs, Austin of Colchester, Batchelor of Derby, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Corcoran of Bennington, Cupoli of Rutland City, Dickinson of St. Albans Town, Donahue of Northfield, Fagan of Rutland

City, Goslant of Northfield, Graham of Williamstown, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Helm of Fair Haven, Higley of Lowell, LaClair of Barre Town, Lefebvre of Orange, Marcotte of Coventry, Martel of Waterford, Mattos of Milton, McCoy of Poultney, McFaun of Barre Town, Morgan, L. of Milton, Morgan, M. of Milton, Nigro of Bennington, Norris of Sheldon, Ode of Burlington, Page of Newport City, Palasik of Milton, Parsons of Newbury, Peterson of Clarendon, Rosenquist of Georgia, Savage of Swanton, Shaw of Pittsford, Sibia of Dover, Smith of Derby, Smith of New Haven, Stebbins of Burlington, Strong of Albany, Terenzini of Rutland Town, Toof of St. Albans Town, Troiano of Stannard, and Whitman of Bennington,

House bill, entitled

An act relating to creating the Vermont Silver Rose Veterans' Service Certificate

To the Committee on General, Housing, and Military Affairs.

H. 340

By Reps. Pugh of South Burlington and Grad of Moretown,

House bill, entitled

An act relating to the Child Protection Registry

To the Committee on Human Services.

H. 341

By Reps. Nicoll of Ludlow, Martin of Franklin, Beck of St. Johnsbury, Gregoire of Fairfield, Harrison of Chittenden, Helm of Fair Haven, Leffler of Enosburgh, Pajala of Londonderry, Parsons of Newbury, Vyhovsky of Essex, and White of Hartford,

House bill, entitled

An act relating to drink specials

To the Committee on General, Housing, and Military Affairs.

H. 342

By Rep. Canfield of Fair Haven,

House bill, entitled

An act relating to reduced first- and third-class license fees for clubs in 2021

To the Committee on General, Housing, and Military Affairs.

H. 343

By Reps. Yantachka of Charlotte and Brumsted of Shelburne,
House bill, entitled
An act relating to municipal regulation of firearms discharge
To the Committee on Government Operations.

H. 344

By Reps. Ode of Burlington, Kitzmiller of Montpelier, Mrowicki of Putney,
and Walz of Barre City,
House bill, entitled
An act relating to providing dedicated earned sick time
To the Committee on General, Housing, and Military Affairs.

H. 345

By Reps. Masland of Thetford, Anthony of Barre City, Gregoire of
Fairfield, Harrison of Chittenden, Till of Jericho, and Yantachka of Charlotte,
House bill, entitled
An act relating to the New PEV Incentive Program
To the Committee on Transportation.

H. 346

By Rep. Hooper of Montpelier,
House bill, entitled
An act relating to the creation of new positions in State government
To the Committee on Government Operations.

H. 347

By Rep. Christie of Hartford,
House bill, entitled
An act relating to establishing uniform standards for tiny houses
To the Committee on General, Housing, and Military Affairs.

H. 348

By Rep. Stevens of Waterbury,
House bill, entitled

An act relating to a property tax exemption for prekindergarten and child care providers

To the Committee on Ways and Means.

H. 349

By Reps. Colburn of Burlington, Anthony of Barre City, Bos-Lun of Westminster, Cina of Burlington, Cordes of Lincoln, Kitzmiller of Montpelier, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Noyes of Wolcott, Satcowitz of Randolph, Small of Winooski, Stebbins of Burlington, Till of Jericho, Vyhovsky of Essex, Walz of Barre City, and White of Hartford,

House bill, entitled

An act relating to imposing a property transfer tax surcharge on high-value residential properties

To the Committee on Ways and Means.

H. 350

By Rep. Sibilica of Dover,

House bill, entitled

An act relating to penalties for Lifeline service interruptions

To the Committee on Energy and Technology.

H. 351

By Reps. Kornheiser of Brattleboro and Scheu of Middlebury,

House bill, entitled

An act relating to making various amendments to the Parental and Family Leave Act

To the Committee on General, Housing, and Military Affairs.

H. 352

By Reps. Sibilica of Dover, Nicoll of Ludlow, and Vyhovsky of Essex,

House bill, entitled

An act relating to allowing ranked choice voting in municipal elections

To the Committee on Government Operations.

H. 353

By Rep. Cordes of Lincoln,

House bill, entitled

An act relating to pharmacy benefit management

To the Committee on Health Care.

H. 354

By Reps. Ode of Burlington, Birong of Vergennes, and James of Manchester,

House bill, entitled

An act relating to the sale, tasting, and distribution of vinous beverages

To the Committee on General, Housing, and Military Affairs.

H. 355

By Reps. Scheuermann of Stowe, Martel of Waterford, Morrissey of Bennington, and Page of Newport City,

House bill, entitled

An act relating to accountable care organization benchmarks and recertification

To the Committee on Health Care.

H. 356

By Rep. Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to miscellaneous workers' compensation amendments

To the Committee on Commerce and Economic Development.

Bill Referred to Committee on Ways and Means

H. 88

House bill, entitled

An act relating to certification of agricultural use for purposes of the use value appraisal program

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

Bill Referred to Committee on Appropriations

H. 337

House bill, entitled

An act relating to the printing and distribution of State publications

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Third Reading; Bill Passed

H. 135

House bill, entitled

An act relating to the State Ethics Commission

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

Favorable Report; Second Reading; Third Reading Ordered

H. 199

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

An act relating to validating legal instruments used in connection with the conveyance of real estate

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

Recess

At one o'clock and forty-six minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At two o'clock and ten minutes in the afternoon, the Speaker called the House to order.

**Committee Bill; Second Reading; Favorable Reports; Bill Amended;
Third Reading Ordered**

H. 315

Rep. Hooper of Montpelier spoke for the Committee on Appropriations.

House bill, entitled

An act relating to COVID-19 relief

Rep. Ancel of Calais, for the Committee on Ways and Means, recommended that the bill ought to pass.

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

Pending the question, Shall the bill be read a third time?, **Reps. Hooper of Montpelier, Fagan of Rutland City, Feltus of Lyndon, Harrison of Chittenden, Helm of Fair Haven, Jessup of Middlesex, Scheu of Middlebury, Squirrell of Underhill, Toleno of Brattleboro, Townsend of South Burlington, and Yacovone of Morristown** moved to amend the bill as follows:

In Sec. 14, pension and other postemployment benefits; Vermont State Employees' Retirement System; Vermont State Teachers' Retirement System; reservation of funds; long-term plan, in subsection (a), by striking out "support" and inserting in lieu thereof "be part of" and in subsection (b), in the second sentence, by striking out "plan development" and inserting in lieu thereof "long-term funding initiative"

Was agreed to. Thereupon, third reading was ordered.

Message from the Senate No. 22

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 passed Senate bills of the following titles:

S. 86. An act relating to miscellaneous changes to laws related to vehicles and vessels.

S. 87. An act relating to emergency provisions for the operation of government.

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

Adjournment

At two o'clock and fifty-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, February 26, 2021

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. Vyhovsky of Essex.

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 by number and referred to committee as follows:

H. 357

By Rep. Morrissey of Bennington,

House bill, entitled

An act relating to deemed licensure of out-of-state health care professionals

To the Committee on Health Care.

H. 358

By Rep. Gannon of Wilmington,

House bill, entitled

An act relating to temporary State employees

To the Committee on Government Operations.

H. 359

By Rep. Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to expanding access to unemployment insurance benefits

To the Committee on Commerce and Economic Development.

H. 361

By Reps. Burke of Brattleboro, Kornheiser of Brattleboro, and Toleno of Brattleboro,

House bill, entitled

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

To the Committee on Government Operations.

H. 362

By Reps. Colburn of Burlington, Anthony of Barre City, Cina of Burlington, Mulvaney-Stanak of Burlington, Rachelson of Burlington, Satcowitz of Randolph, Small of Winooski, Stebbins of Burlington, and Vyhovsky of Essex,

House bill, entitled

An act relating to adding members to the University of Vermont Board of Trustees

To the Committee on Education.

H. 363

By Rep. Howard of Rutland City,

House bill, entitled

An act relating to campaign expenditures and candidate salaries

To the Committee on Government Operations.

H. 364

By Reps. Vyhovsky of Essex, Anthony of Barre City, Christie of Hartford, Hooper of Randolph, Hooper of Burlington, Howard of Rutland City, and Patt of Worcester,

House bill, entitled

An act relating to privatization contracts

To the Committee on Government Operations.

H. 365

By Rep. Howard of Rutland City,

House bill, entitled

An act relating to exemptions from the minimum wage

To the Committee on General, Housing, and Military Affairs.

H. 366

By Rep. Copeland Hanzas of Bradford,

House bill, entitled

An act relating to 2021 technical corrections

To the Committee on Government Operations.

H. 367

By Rep. Yantachka of Charlotte,

House bill, entitled

An act relating to the management of perpetual care funds by cemetery associations

To the Committee on Government Operations.

H. 368

By Rep. Rogers of Waterville,

House bill, entitled

An act relating to hospital and accountable care organization salary information

To the Committee on Health Care.

H. 369

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to standards for the care of domestic pets

To the Committee on Judiciary.

Committee Bill Introduced; Referred to Ways and Means

H. 360

By the Committee on Energy and Technology

House bill, entitled

An act relating to accelerated community broadband deployment

Pending appearance on the Calendar for Notice, affecting the revenue of the State, under Rule 35(a), 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 by number only in accord with prior motion, and referred as follows:

S. 86

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

To the Committee on Transportation.

S. 87

Senate bill, entitled

An act relating to emergency provisions for the operation of government

To the Committee on Government Operations.

Third Reading; Bill Passed

H. 199

House bill, entitled

An act relating to validating legal instruments used in connection with the conveyance of real estate

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

Committee Bill; Second Reading; Third Reading Ordered

H. 338

Rep. Higley of Lowell spoke for the Committee on Government Operations.

House bill, entitled

An act relating to reapportionment proposal deadlines

Having appeared on the Calendar for Notice and appearing on the Calendar for Action, was taken up, read the second time, and third reading ordered.

Recess

At nine o'clock and fifty-four minutes in the forenoon, the Speaker declared a recess until nine o'clock and fifty-six minutes in the forenoon.

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

**Rules Suspended; Third Reading; Bill Passed;
Rules Suspended; Bill Messaged to Senate Forthwith**

H. 338

House bill, entitled

An act relating to reapportionment proposal deadlines

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill placed in all remaining stages of passage. Thereupon, the bill was read the third time and passed.

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

**Amendment Offered; Read Third Time; Bill Passed; Rules Suspended;
Bill Messaged to Senate Forthwith**

H. 315

House bill, entitled

An act relating to COVID-19 relief

Was taken up, and pending third reading of the bill, **Rep. Colburn of Burlington** moved to amend the bill in Sec. 1, gap economic recovery grants; fiscal year 2021 one-time appropriation, as follows:

First: By adding a new subsection (g) to read:

(g) Methodology for determining economic loss.

(1) Not later than 10 days after the effective date of this section, the Agency shall develop criteria and a methodology for determining a business's economic loss.

(2) The Agency shall submit its proposed methodology to the Joint Fiscal Committee for approval prior to awarding grants pursuant to this section.

(3) If the Joint Fiscal Committee approves the methodology or does not take action within five days of receiving the Agency's proposal, the Agency shall continue implementation of the program as if the Committee had approved.

(4) If the Joint Fiscal Committee disapproves, the Agency shall amend its proposal consistent with any guidance from the Committee and shall re-submit one or more subsequent proposals until the Committee approves.

(5) The Joint Fiscal Committee may transfer not more than \$10,000.00 from the legislative budget to cover the costs of a consultant as necessary to review the Agency's proposed methodology.

Second: By adding a new subsection (h) to read:

(h) Auditing; compliance; recapture. The Agency shall include in all grant awards standard audit provisions, substantially similar to the audit provisions included pursuant to administrative bulletins 3.5 and 5.0, that provide that

records pertaining to grant awards shall be retained and remain subject to audit and inspection for a period of time specified by the Agency.

Third: By adding a new subsection (i) to read:

(i) Recapture. The Agency shall include in all grant awards standard recapture provisions, which shall include that a grant award may be subject to recapture if a recipient is found to be ineligible for the award or to have used an award for an ineligible purpose, consistent with the guidelines the Agency adopts pursuant to subsection (e) of this section.

Was disagreed to. Thereupon, the bill was read the third time and passed.

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

Adjournment

At eleven and two minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 9, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 6.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 20

House concurrent resolution congratulating the 2020 class of Boy Scouts who have achieved the rank of Eagle

H.C.R. 21

House concurrent resolution honoring the Georgia Elementary and Middle School for its effective active shooter response training

H.C.R. 22

House concurrent resolution congratulating Elinor Purrier of Berkshire on her record U.S. indoor two-mile run at the 2021 New Balance Indoor Grand Prix and on her recent marriage to Jamie St. Pierre

[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 2021, seventy-sixth Biennial session.]

Tuesday, March 9, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Bongartz of Manchester.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 23

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 passed Senate bill of the following title:

S. 45. An act relating to earned discharge from probation.

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. 20. House concurrent resolution congratulating the 2020 class of Boy Scouts who have achieved the rank of Eagle.

H.C.R. 21. House concurrent resolution honoring the Georgia Elementary and Middle School for its effective active shooter response training.

H.C.R. 22. House concurrent resolution congratulating Elinor Purrier of Berkshire on her record U.S. indoor two-mile run at the 2021 New Balance Indoor Grand Prix and on her recent marriage to Jamie St. Pierre.

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. 370

By Reps. Nicoll of Ludlow, Beck of St. Johnsbury, Harrison of Chittenden, Helm of Fair Haven, Leffler of Enosburgh, Martin of Franklin, Parsons of

Newbury, Vyhovsky of Essex, and White of Hartford,

House bill, entitled

An act relating to retail delivery of alcoholic beverages by third-party contractors

To the Committee on General, Housing, and Military Affairs.

H. 371

By Rep. Mattos of Milton,

House bill, entitled

An act relating to hunting with a muzzle loader

To the Committee on Natural Resources, Fish, and Wildlife.

H. 372

By Rep. Scheuermann of Stowe,

House bill, entitled

An act relating to annual student performance reports

To the Committee on Education.

H. 373

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to exempting military retirement pay from Vermont income tax and recruiting military veterans

To the Committee on Ways and Means.

H. 374

By Rep. Leffler of Enosburgh,

House bill, entitled

An act relating to interest group number plates

To the Committee on Transportation.

H. 375

By Rep. Leffler of Enosburgh,

House bill, entitled

An act relating to screening students for dyslexia

To the Committee on Education.

H. 376

By Rep. Rosenquist of Georgia,

House bill, entitled

An act relating to allowing manufacturers from other countries to acquire malt and vinous beverage consumer shipping licenses

To the Committee on General, Housing, and Military Affairs.

H. 377

By Reps. James of Manchester, Austin of Colchester, Brady of Williston, and Jerome of Brandon,

House bill, entitled

An act relating to the creation of a public-private partnership with Advance Vermont to increase postsecondary attainment in Vermont

To the Committee on Education.

H. 378

By Reps. Christie of Hartford and White of Hartford,

House bill, entitled

An act relating to law enforcement officers employed by the U.S. Department of Veterans Affairs

To the Committee on Judiciary.

H. 379

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to a reciprocity requirement for out-of-state consumer shipping licenses

To the Committee on General, Housing, and Military Affairs.

H. 380

By Rep. Howard of Rutland City,

House bill, entitled

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

To the Committee on Corrections and Institutions.

H. 381

By Rep. Rogers of Waterville,

House bill, entitled

An act relating to taxing campaign contributions

To the Committee on Government Operations.

H. 382

By Rep. Rogers of Waterville,

House bill, entitled

An act relating to establishing a working group on ecologically sustainable sanitation

To the Committee on Natural Resources, Fish, and Wildlife.

H. 383

By Reps. Durfee of Shaftsbury and Nigro of Bennington,

House bill, entitled

An act relating to the recall of school district board members

To the Committee on Education.

H. 384

By Rep. Gannon of Wilmington,

House bill, entitled

An act relating to adoption of a State code of ethics

To the Committee on Government Operations.

H. 385

By Reps. Peterson of Clarendon, Hango of Berkshire, Morgan, L. of Milton, Page of Newport City, and Townsend of South Burlington,

House bill, entitled

An act relating to advertising by licensed cannabis establishments and dispensaries

To the Committee on Government Operations.

H. 386

By Reps. Christie of Hartford, Bluemle of Burlington, Cina of Burlington, Coffey of Guilford, Cordes of Lincoln, Elder of Starksboro, James of Manchester, Killacky of South Burlington, Mrowicki of Putney, Patt of Worcester, Stebbins of Burlington, Surprenant of Barnard, Vyhovsky of Essex, Walz of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to social equity recommendations for the regulated cannabis industry

To the Committee on Government Operations.

H. 387

By Reps. Cina of Burlington, Bluemle of Burlington, Christie of Hartford, Colburn of Burlington, Colston of Winooski, Cordes of Lincoln, Small of Winooski, Surprenant of Barnard, Toleno of Brattleboro, and Vyhovsky of Essex,

House bill, entitled

An act relating to establishing the Task Force to Study and Develop Reparation Proposals for the Institution of Chattel Slavery

To the Committee on General, Housing, and Military Affairs.

H. 388

By Reps. Cordes of Lincoln, Vyhovsky of Essex, Anthony of Barre City, Bluemle of Burlington, Burke of Brattleboro, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Colston of Winooski, Donnally of Hyde Park, Elder of Starksboro, Hooper of Burlington, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Satcowitz of Randolph, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Surprenant of Barnard, Troiano of Stannard, Walz of Barre City, and Yacovone of Morristown,

House bill, entitled

An act relating to income-based education funding

To the Committee on Ways and Means.

H. 389

By Rep. Grad of Moretown,

House bill, entitled

An act relating to an administrative hearing process for disposition of child

support matters

To the Committee on Judiciary.

H. 390

By Reps. Cordes of Lincoln, Surprenant of Barnard, Burrows of West Windsor, Cina of Burlington, Houghton of Essex, Ode of Burlington, Satcowitz of Randolph, Troiano of Stannard, and Whitman of Bennington,

House bill, entitled

An act relating to the use of Special Supplemental Nutrition for Women, Infants, and Children benefits at farmers' markets

To the Committee on Human Services.

H. 391

By Rep. Vyhovsky of Essex,

House bill, entitled

An act relating to the Psychology Interjurisdictional Compact

To the Committee on Government Operations.

H. 392

By Reps. Noyes of Wolcott, Cordes of Lincoln, Killacky of South Burlington, Scheuermann of Stowe, Townsend of South Burlington, and Yacovone of Morristown,

House bill, entitled

An act relating to prescribing by doctoral-level psychologists

To the Committee on Government Operations.

H. 393

By Rep. Christie of Hartford,

House bill, entitled

An act relating to Vermont's motor vehicle total loss threshold

To the Committee on Commerce and Economic Development.

H. 394

By Reps. Cupoli of Rutland City and Gregoire of Fairfield,

House bill, entitled

An act relating to reorganizing the administration of child care and early

learning services

To the Committee on Human Services.

H. 395

By Reps. Vyhovsky of Essex, Bluemle of Burlington, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Hooper of Randolph, Kornheiser of Brattleboro, Nicoll of Ludlow, Notte of Rutland City, Rachelson of Burlington, Small of Winooski, Toleno of Brattleboro, Troiano of Stannard, and Whitman of Bennington,

House bill, entitled

An act relating to addressing barriers to substance use disorder treatment

To the Committee on Human Services.

H. 396

By Reps. Ode of Burlington and Stebbins of Burlington,

House bill, entitled

An act relating to addressing chemicals and other forms of contamination in public schools

To the Committee on Education.

H. 397

By Reps. Colburn of Burlington, Kornheiser of Brattleboro, and Whitman of Bennington,

House bill, entitled

An act relating to recovery supports for individuals experiencing substance use disorder

To the Committee on Human Services.

H. 398

By Reps. Bluemle of Burlington and Stebbins of Burlington,

House bill, entitled

An act relating to the Child and Parent Representation Working Group

To the Committee on Human Services.

H. 399

By Reps. Coffey of Guilford, Batchelor of Derby, Bluemle of Burlington, Burke of Brattleboro, Bos-Lun of Westminster, Brumsted of Shelburne, Cina

of Burlington, James of Manchester, Killacky of South Burlington, Ode of Burlington, Satcowitz of Randolph, and Stebbins of Burlington,

House bill, entitled

An act relating to incarceration terms for criminal defendants who are primary caretakers of dependent children

To the Committee on Judiciary.

H. 400

By Rep. Sibilias of Dover,

House bill, entitled

An act relating to changes to the Natural Resources Board and Act 250

To the Committee on Natural Resources, Fish, and Wildlife.

H. 401

By Reps. Long of Newfane, McCoy of Poultney, and Colburn of Burlington,

House bill, entitled

An act relating to promoting racial and social equity in Vermont

To the Committee on General, Housing, and Military Affairs.

H. 402

By Rep. Mattos of Milton,

House bill, entitled

An act relating to regulating student loan servicers

To the Committee on Commerce and Economic Development.

H. 403

By Rep. Christie of Hartford,

House bill, entitled

An act relating to prohibiting no cause evictions

To the Committee on General, Housing, and Military Affairs.

H. 404

By Reps. Vyhovsky of Essex, Anthony of Barre City, Burrows of West Windsor, Cina of Burlington, Colburn of Burlington, Colston of Winooski, Donahue of Northfield, Kornheiser of Brattleboro, Mrowicki of Putney,

Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, Satcowitz of Randolph, Sibilia of Dover, Small of Winooski, Stebbins of Burlington, Walz of Barre City, White of Bethel, and Yantachka of Charlotte,

House bill, entitled

An act relating to correcting defective ballots

To the Committee on Government Operations.

H. 405

By Rep. Christie of Hartford,

House bill, entitled

An act relating to promoting racial equity and protecting Vermonters

To the Committee on General, Housing, and Military Affairs.

H. 406

By Reps. Cina of Burlington, Christie of Hartford, Cordes of Lincoln, Mulvaney-Stanak of Burlington, Vyhovsky of Essex, White of Bethel, and Yantachka of Charlotte,

House bill, entitled

An act relating to promoting racial and social equity in economic opportunity and cultural empowerment

To the Committee on General, Housing, and Military Affairs.

H. 407

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to exempting half of all Social Security benefits for all Vermonters

To the Committee on Ways and Means.

H. 408

By Reps. Leffler of Enosburgh, Beck of St. Johnsbury, Lefebvre of Orange, and White of Hartford,

House bill, entitled

An act relating to requiring public bodies to make meetings viewable through electronic means

To the Committee on Government Operations.

H. 409

By Rep. Leffler of Enosburgh,

House bill, entitled

An act relating to fiscal year 2022 funding for IT equipment and support functions for the Legislative Branch

To the Committee on Energy and Technology.

H. 410

By Reps. Cina of Burlington, Christie of Hartford, Sibilia of Dover, and Toleno of Brattleboro,

House bill, entitled

An act relating to the creation of the Artificial Intelligence Commission

To the Committee on Energy and Technology.

H. 411

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to the retrieval and disposal of wild animals

To the Committee on Natural Resources, Fish, and Wildlife.

H. 412

By Reps. Stebbins of Burlington, Anthony of Barre City, Burke of Brattleboro, Campbell of St. Johnsbury, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Elder of Starksboro, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Rachelson of Burlington, Walz of Barre City, and Yacovone of Morristown,

House bill, entitled

An act relating to heating systems owned or controlled by the Department of Buildings and General Services

To the Committee on Corrections and Institutions.

H. 413

By Reps. Leffler of Enosburgh, Beck of St. Johnsbury, and Sullivan of Dorset,

House bill, entitled

An act relating to State funding for school construction projects

To the Committee on Education.

H. 414

By Reps. Cina of Burlington, Christie of Hartford, Colston of Winooski, and Vyhovsky of Essex,

House bill, entitled

An act relating to cannabis social equity programs

To the Committee on Government Operations.

H. 415

By Reps. Masland of Thetford and Christie of Hartford,

House bill, entitled

An act relating to appeals of mortgage foreclosure judgments

To the Committee on Judiciary.

H. 416

By Reps. Masland of Thetford, Anthony of Barre City, Beck of St. Johnsbury, Page of Newport City, and Yantachka of Charlotte,

House bill, entitled

An act relating to abandoned swimming pools

To the Committee on General, Housing, and Military Affairs.

H. 417

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

House bill, entitled

An act relating to requiring six-person juries in civil proceedings

To the Committee on Judiciary.

H. 418

By Rep. McCoy of Poultney,

House bill, entitled

An act relating to reduced hunting and fishing licenses for Vermont veterans

To the Committee on Natural Resources, Fish, and Wildlife.

H. 419

By Reps. Colburn of Burlington, Kornheiser of Brattleboro, Anthony of

Barre City, Bluemle of Burlington, Christie of Hartford, Cina of Burlington, Donnally of Hyde Park, Killacky of South Burlington, Lippert of Hinesburg, McCullough of Williston, Rachelson of Burlington, Stebbins of Burlington, Surprenant of Barnard, Toleno of Brattleboro, Troiano of Stannard, Vyhovsky of Essex, and White of Hartford,

House bill, entitled

An act relating to limiting drug-related criminal liability and civil forfeiture actions against persons associated with an approved safer drug consumption program

To the Committee on Human Services.

Committee Bills Introduced

H. 420

By the Committee on Agriculture and Forestry,

An act relating to miscellaneous agricultural subjects

Was read and pursuant to Rule 48, bill placed on the Calendar for Notice.

H. 421

By the Committee on Agriculture and Forestry,

An act relating to animal cruelty investigation response and training

Was read and pursuant to Rule 48, bill placed on the Calendar for Notice.

Senate Bill Referred

S. 45

Senate bill, entitled

An act relating to earned discharge from probation

Was read and referred to the Committee on Corrections and Institutions.

Bill Referred to Committee on Ways and Means

H. 175

House bill, entitled

An act relating to the beverage container redemption system

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

Bill Referred to Committee on Appropriations**H. 196**

House bill, entitled

An act relating to supporting the work of the Executive Director of Racial Equity

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

**Second Reading; Bill Amended; Third Reading Ordered;
Rules Suspended; Third Reading; Bill Passed;
Rules Suspended; Bill Messaged to Senate Forthwith**

H. 88

Rep. Pearl of Danville, for the Committee on Agriculture and Forestry, to which had been referred House bill entitled,

An act relating to certification of agricultural use for purposes of the use value appraisal program

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

Sec. 1. 32 V.S.A. § 3755(f) is amended to read:

(f) On or before November 1 of each year, the owner of agricultural land or buildings enrolled in the use value program as agricultural land or buildings shall certify in writing under oath to the Commissioner that the agricultural land or buildings enrolled by that owner continue to meet the requirements for enrollment in the use value program at the time of the certification. The Commissioner may waive the eligibility requirement under this subsection, provided the Commissioner obtains through other means satisfactory information that the enrolled agricultural land continues or enrolled agricultural buildings continue to meet the requirements for enrollment. The form of the certification shall be made on a form specified by the Director of Property Valuation and Review.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

Rep. Canfield of Fair Haven, for the Committee on Ways and Means, recommended the bill ought to pass when amended by the Committee on Agriculture and Forestry.

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

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill placed in all remaining stages of passage. Thereupon, the bill was read the third time and passed.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 108

Rep. Dolan of Waitsfield, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to Vermont standards for issuing a Clean Water Act section 401 certification

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

Sec. 1. 10 V.S.A. § 1253(h) is added to read:

(h)(1) The Secretary shall administer a Clean Water Act Section 401 certification program to review activities that require a federal license or permit to ensure that a proposed activity complies with the Vermont Water Quality Standards, as well as with any other appropriate requirement of State law, including:

(A) 10 V.S.A. chapter 37 (wetlands protection and water quality management);

(B) 10 V.S.A. chapter 41 (regulation of streamflow);

(C) 10 V.S.A. chapter 49A (lakeshore protection standards);

(D) 10 V.S.A. § 1264 (stormwater management);

(E) 29 V.S.A. chapter 11 (management of lakes and ponds); and

(F) The Agency of Natural Resources Rules for Water Withdrawals for Snowmaking.

(2) The Secretary of Natural Resources shall deny any application for certification under Section 401 of the Clean Water Act, unless the applicant demonstrates all of the following:

(A) there is no practicable alternative to the proposed activity that would have a less adverse impact on waters and wetlands of the State, and provided that any proposed alternative shall not have other significant adverse human health, safety, or environmental consequences;

(B) the proposed activity will not result in the violation of any applicable water quality criteria established in the Vermont Water Quality Standards; and

(C) the proposed activity will not result in a violation of the State's antidegradation policy.

(3)(A) An alternative is considered practicable under subdivision (2)(A) of this subsection (h) if it is available and capable of being completed after taking into consideration cost, existing technology, and logistics in light of overall purposes of the proposed activity.

(B) Failure to comply with the requirements of subdivision (2)(A) of this subsection (h) shall not be the basis for denial of an application for a certification under Section 401 of the Clean Water Act if the proposed activity is exempt from those requirements under a rule adopted by the Secretary.

(4) The Secretary may issue a certification required by this subsection to any general permit or authorization issued by a federal agency. An applicant's compliance with that federal permit or authorization shall be presumed to be in compliance with the certification, unless the Secretary determines that an individual review of the applicant's activity is necessary to assure compliance with the Vermont Water Quality Standards and other applicable State laws.

Sec. 2. AGENCY OF NATURAL RESOURCES; VERMONT WATER QUALITY STANDARDS; RULEMAKING

The Secretary of Natural Resources shall amend the Vermont Water Quality Standards (VWQS) to include the following:

(1) An amendment to the Classification of State Waters to clarify that with regard to all Class I and II wetlands, as defined in 10 V.S.A. § 902, the uses to be protected include the functions and values of the wetland as described in Section 5 of the Vermont Wetland Rules.

(2) An amendment to the antidegradation policy to clarify that wetlands and their functions and values shall be protected as described by the Vermont Wetland Rules.

(3) Any additional provisions that the Secretary of Natural Resources determines are necessary to implement the requirements of 10 V.S.A. § 1253(h), including any exemptions to the requirements of 10 V.S.A.

§ 1253(h)(2)(A) for projects that are not likely to have significant impacts on water quality or wetland functions or values. State or municipal road or highway projects that require a certification under Section 401 of the Clean Water Act shall be exempt from the requirements of 10 V.S.A. § 1253(h)(2)(A) when a separate alternatives analysis is otherwise required under State or federal law.

Sec. 3. RULEMAKING IMPLEMENTATION; TIMING

(a) The Secretary of Natural Resources shall file with the Secretary of State under 3 V.S.A. § 838 a copy of the proposed rules required by Sec. 2 of this act within 90 days from the effective date of this act.

(b) On or before January 15, 2022, the Secretary of Natural Resources shall submit to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy a report regarding the status of the rulemaking required by Sec. 2 of this act. The report shall include a draft of the rules.

(c) On or before March 1, 2022, the Secretary of Natural Resources shall file with the Secretary of State under 3 V.S.A. § 841 a final proposal of the rules required by Sec. 2 of this act.

Sec. 4. EFFECTIVE DATES

(a) This section and Secs. 2 and 3, VWQS rulemaking, shall take effect on passage.

(b) Sec. 1, certification program, shall take effect on the effective date of the rules required to be adopted under Sec. 2.

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

Favorable Report; Second Reading; Third Reading Ordered

H. 127

Rep. LaClair of Barre Town, for the Committee on Government Operations, 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 Calendar for Notice, was taken up, read the second time, and third reading ordered.

Message from the Senate No. 24

A message was received from the Senate by Mr. Marshall, 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. 11. An act relating to prohibiting robocalls.

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. 17. Joint resolution relating to weekend adjournment.

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

Message from 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 second day of March, 2021, he signed a bill originating in the House of the following title:

H. 138 An act relating to fiscal year 2021 budget adjustments

Adjournment

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

Wednesday, March 10, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Mulvaney-Stanak of Burlington.

House Bills Introduced

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

H. 422

By Reps. Colburn of Burlington, Nicoll of Ludlow, Campbell of St. Johnsbury, Chase of Colchester, Christie of Hartford, Cina of Burlington, Donnally of Hyde Park, Kitzmiller of Montpelier, Kornheiser of Brattleboro, Mrowicki of Putney, Rachelson of Burlington, Surprenant of Barnard, Toleno of Brattleboro, and Vyhovsky of Essex,

House bill, entitled

An act relating to decriminalizing possession and dispensing of a personal use supply of regulated drugs

To the Committee on Human Services.

H. 423

By Rep. McCullough of Williston,

House bill, entitled

An act relating to prohibiting the sale of in-sink garbage disposals

To the Committee on Natural Resources, Fish, and Wildlife.

H. 424

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to the public, pious, or charitable use exemption from property tax

To the Committee on Ways and Means.

H. 425

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

House bill, entitled

An act relating to creating a local revenue distribution working group

To the Committee on Ways and Means.

Committee Bill Introduced; Referred to Appropriations

H. 426

By the Committee on Education,

House bill, entitled

An act relating to addressing the needs and conditions of public school facilities in the State

Pending appearance on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Senate Bill Referred

S. 11

Senate bill, entitled

An act relating to prohibiting robocalls

Was read and referred to the Committee on Commerce and Economic Development.

Bills Referred to Committee on Appropriations

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

H. 101

House bill, entitled

An act relating to the implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy support for all students with measurable outcomes

H. 106

House bill, entitled

An act relating to equitable access to a high-quality education through community schools

H. 171

House bill, entitled

An act relating to the governance and financing of Vermont's child care system

Joint Resolution Referred to Committee**J.R.H. 4**

Joint resolution urging Congress to admit Washington, D.C., into the union as a state of the United States of America

Offered by: Representative White of Hartford

Whereas, the U.S. Constitution, as ratified following the Constitutional Convention of 1787, granted the right to vote for congressional representation to qualified voters in all the states, including those living in the sections of Maryland and Virginia that the “District of Columbia Organic Act of 1801” (the Act) designated as the nation’s capital, and

Whereas, the Act removed this territory from the states of Maryland and Virginia, disenfranchising the District of Columbia’s (the District) citizens from exercising the fundamental right to vote for public officials, and for over a century these American citizens could not participate in any local or federal election, and

Whereas, in 1961, the 23rd Amendment to the U.S. Constitution gave the District’s electorate the right to vote in presidential elections, and

Whereas, in 1970, Congress enacted 2 U.S.C. § 25a, authorizing the District’s voters to elect a nonvoting delegate to the U.S. House of Representatives, and

Whereas, in 1973, Congress enacted the District of Columbia Self-Government and Governmental Reorganization Act, establishing local mayoral and city council elections in the District, but Congress has repeatedly interfered in the local government’s decision-making process, especially on budgetary matters, and

Whereas, the residents of the District, also known as Washington, D.C., pay federal income tax but are denied the full congressional representation, a voting member of the U.S. House of Representatives and two United States Senators, that exists in each of the 50 states, and

Whereas, D.C. Delegate Eleanor Holmes Norton and U.S. Senator Tom Carper of Delaware have respectively introduced in the 117th Congress H.R.51 and S.51 to grant statehood to the District of Columbia, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly of the State of Vermont supports admitting Washington, D.C., into the union as a state of the United States of America, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Joseph Biden, to the U.S. Senate Committee on Homeland Security and Governmental Affairs, to the U.S. House Committee on Oversight and Government Reform, to U.S. Speaker of the House Nancy Pelosi, and to the Vermont Congressional Delegation.

Was read by title and, in the Speaker's discretion pursuant to Rule 52, treated as bill and referred to the Committee on Government Operations.

Joint Resolution Adopted in Concurrence

J.R.S. 17

By Senator Balint,

J.R.S. 17. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 12, 2021, it be to meet again no later than Tuesday, March 16, 2021.

Was taken up, read, and adopted in concurrence.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 108

House bill, entitled

An act relating to Vermont standards for issuing a Clean Water Act section 401 certification

H. 127

House bill, entitled

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

Second Reading; Bill Amended; Third Reading Ordered

H. 128

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

An act relating to limiting criminal defenses based on victim identity

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

Sec. 1. 13 V.S.A. § 6566 is added to read:

§ 6566. DEFENSE BASED ON VICTIM IDENTITY PROHIBITED

(a) In a prosecution for any criminal offense, evidence of the defendant's discovery of, knowledge about, or the potential disclosure of the crime victim's actual or perceived sexual orientation or gender identity shall not be used:

(1) as a defense to defendant's criminal conduct;

(2) to establish a finding that defendant suffered from diminished capacity; or

(3) to justify defendant's use of force against another.

(b) The following shall not be used to mitigate the severity of an offense:

(1) evidence of a nonviolent romantic or sexual advance by a crime victim towards the defendant; or

(2) evidence of defendant's perception or belief, even if inaccurate, of the gender, gender identity, or sexual orientation of a crime victim.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar for Notice, was taken up; read the second time; report of the Committee on Judiciary agreed to by vote by division: Yays 120, Nays 3; and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 195

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

An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children, sexual assault, homicide, or kidnapping

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

Sec. 1. USE OF FACIAL RECOGNITION TECHNOLOGY BY LAW
ENFORCEMENT IN CASES INVOLVING SEXUAL

EXPLOITATION OF CHILDREN, SEXUAL ASSAULT,
HOMICIDE, OR KIDNAPPING

(a) Notwithstanding 2020 Acts and Resolves No. 166, Sec. 14, the General Assembly authorizes the use of facial recognition technology by law enforcement during a criminal investigation into sexual exploitation of children under 13 V.S.A. chapter 64.

(b) Use of facial recognition technology authorized by subsection (a) of this section shall be utilized only where law enforcement is in possession of an image of an individual they believe to be a victim, potential victim, or identified suspect in the investigation, and the search is solely confined to locating images, including videos, of that individual within electronic media legally seized by law enforcement in relation to the specific investigation.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to use of facial recognition technology by law enforcement in cases related to sexual exploitation of children”

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

Favorable Report; Second Reading; Third Reading Ordered

H. 177

Rep. Gannon of Wilmington, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of an amendment to the charter of the City of Montpelier

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

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, 103. Nays, 39.

Those who voted in the affirmative are:

Ancel of Calais

Emmons of Springfield

Noyes of Wolcott

Anthony of Barre City	Fagan of Rutland City	O'Brien of Tunbridge
Arrison of Weathersfield	Gannon of Wilmington	Ode of Burlington
Austin of Colchester	Goldman of Rockingham	Pajala of Londonderry
Bartholomew of Hartland	Grad of Moretown	Partridge of Windham
Beck of St. Johnsbury	Hooper of Montpelier	Patt of Worcester
Birong of Vergennes	Hooper of Randolph	Pearl of Danville
Black of Essex	Hooper of Burlington	Pugh of South Burlington
Bluemle of Burlington	Houghton of Essex	Rachelson of Burlington
Bock of Chester	James of Manchester	Redmond of Essex
Bongartz of Manchester	Jerome of Brandon	Rogers of Waterville
Bos-Lun of Westminster	Jessup of Middlesex	Satcowitz of Randolph
Brady of Williston	Killackey of South Burlington	Scheuermann of Stowe
Briglin of Thetford	Kimbell of Woodstock	Seymour of Sutton
Brown of Richmond	Kitzmiller of Montpelier	Sheldon of Middlebury
Brownell of Pownal	Kornheiser of Brattleboro	Sibilia of Dover
Brumsted of Shelburne	LaLonde of South Burlington	Sims of Craftsbury
Burke of Brattleboro	Lanpher of Vergennes	Small of Winooski
Burrows of West Windsor	Lefebvre of Newark	Stebbins of Burlington
Campbell of St. Johnsbury	Lippert of Hinesburg	Stevens of Waterbury
Chase of Colchester	Long of Newfane	Sullivan of Dorset
Christie of Hartford	Masland of Thetford	Surprenant of Barnard
Cina of Burlington	McCarthy of St. Albans City	Taylor of Colchester
Coffey of Guilford	McCormack of Burlington	Till of Jericho
Colburn of Burlington	McCullough of Williston	Toleno of Brattleboro
Colston of Winooski	McFaun of Barre Town	Townsend of South Burlington
Conlon of Cornwall	Morris of Springfield	Troiano of Stannard
Copeland Hanzas of Bradford	Mrowicki of Putney	Vyhovsky of Essex
Cordes of Lincoln	Mulvaney-Stanak of Burlington	Walz of Barre City
Dolan of Essex	Murphy of Fairfax	Webb of Shelburne
Dolan of Waitsfield	Nicoll of Ludlow	White of Bethel
Donahue of Northfield	Nigro of Bennington	White of Hartford
Donnally of Hyde Park	Norris of Shoreham	Whitman of Bennington
Durfee of Shaftsbury	Notte of Rutland City	Wood of Waterbury
Elder of Starksboro		

Those who voted in the negative are:

Achey of Middletown Springs	Harrison of Chittenden	Page of Newport City
Batchelor of Derby	Helm of Fair Haven	Palasik of Milton
Brennan of Colchester	Higley of Lowell	Parsons of Newbury
Burditt of West Rutland	LaClair of Barre Town	Peterson of Clarendon
Canfield of Fair Haven	Lefebvre of Orange	Rosenquist of Georgia
Corcoran of Bennington	Leffler of Enosburgh	Savage of Swanton
Cupoli of Rutland City	Marcotte of Coventry	Shaw of Pittsford
Dickinson of St. Albans Town	Martel of Waterford	Smith of Derby
Goslant of Northfield	Martin of Franklin	Smith of New Haven
Graham of Williamstown	Mattos of Milton	Strong of Albany
Gregoire of Fairfield *	McCoy of Poultney	Terenzini of Rutland Town
	Morgan, L. of Milton	Toof of St. Albans Town
	Morgan, M. of Milton	Williams of Granby

Hango of Berkshire

Morrissey of Bennington

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

Feltus of Lyndon

Scheu of Middlebury

Yantachka of Charlotte

Howard of Rutland City

Squirrell of Underhill

Norris of Sheldon

Yacovone of Morristown

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

I vote no today, not due to a view of any person being lesser than another which is an insulting implication. Across the world and in our own nation voting is overwhelmingly restricted to citizens. It is in fact the most precious right that comes with citizenship. Secondarily, this bill continues the disenfranchisement of citizens who own property in and pay taxes to the City but who would still be ineligible to have their voice heard regarding how their tax dollars are spent because their primary residence is in another municipality. If our goal is that everyone who pays taxes should have a vote then these people should not be left out.”

Committee Bill; Second Reading; Third Reading Ordered

H. 289

Rep. Colston of Winooski spoke for the Committee on Government Operations.

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

Rep. Durfee of Shaftsbury, for the Committee on Ways and Means, recommended the bill ought to pass.

Rep. Townsend of South Burlington for the Committee on Appropriations, recommended the bill ought to pass.

Having appeared on the Calendar for Notice, was taken up, read the second time, and third reading ordered.

Message from the Senate No. 25

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 passed Senate bills of the following titles:

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

S. 110. An act relating to extending eligibility for Pandemic Emergency Unemployment Compensation.

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. 18. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and three Magistrates.

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

Adjournment

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

Thursday, March 11, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Cordes of Lincoln.

House Bill Introduced

H. 427

By Rep. Cina of Burlington,

House bill, entitled

An act relating to expanding the role of the Executive Director of Racial Equity

Was read the first time and referred to the Committee on Government Operations.

Senate Bill Referred**S. 53**

Senate bill, entitled

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

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

Senate Bill; Rules Suspended; Bill Not Referred to Committee for Immediate Consideration; Rules Suspended; All Remaining Stages of Passage; Bill Passed; Rules Suspended; Bill Messaged to Senate Forthwith

S. 110

Senate bill, entitled

An act relating to extending eligibility for Pandemic Emergency Unemployment Compensation

Was read the first time. On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was *not* referred to committee in order to take it up for immediate consideration.

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

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

Bill Referred to Committee on Appropriations**H. 360**

House bill, entitled

An act relating to accelerated community broadband deployment

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Joint Resolution Placed on Calendar**J.R.S. 18**

By Senator Nitka,

J.R.S. 18. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and three Magistrates.

Whereas, declarations have been submitted by the following two Superior Judges that they be retained for another six-year term, Judge Brian J. Grearson, and Judge Nancy J. Waples and three Magistrates that they be retained for another six year term, Magistrate Christine A. (Doremus) Hoyt, Magistrate Joseph M. Lorman and Magistrate Brian Valentine, 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, the Committee was unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the candidates seeking to be retained in office by March 11, 2021, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 18, 2021, the date specified in subsection 10(b) of Title 2, 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, and

Whereas, Vermont has been declared by the Governor to be in a State of Emergency as a result of a pandemic known as “COVID-19”; and

Whereas, it is critical to take steps to control outbreaks of COVID-19 to minimize the risk to the public, maintain the health and safety of Vermonters and limit the spread of infection in our community; and

Whereas, technology exists which would enable the General Assembly to conduct a Joint Assembly during this time of a declared emergency in a manner: consistent with public access to, and transparency of, its proceedings, as demanded by the Vermont Constitution; and, consistent with and in compliance with statutory and legislative rule requirements regarding Judicial Retention, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 25, 2021, at ten o’clock and thirty minutes in the forenoon to vote on the retention of two Superior Judges and three Magistrate, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and debate from a remote location; that voting by ballot shall be conducted, as practicable, consistent with Vermont’s “Early or Absentee Voters” statute at

17 V.S.A. §2531, et seq.; that after the reports of the Committee on Judicial Retention, the Joint Assembly shall recess until Thursday, April 1, 2021 at 2:00 P.M. (or as otherwise ordered by the Joint Assembly) so that ballots may be submitted; and, that upon reconvening the results of the vote shall be announced or the Joint Assembly shall proceed until the above is completed.

Was read and, at the Speaker's discretion under Rule 52, placed on the Calendar for Action tomorrow.

Third Reading; Bill Passed

H. 128

House bill, entitled

An act relating to limiting criminal defenses based on victim identity

Was taken up, and read the third time.

Pending the question, Shall the bill pass?, **Rep. Cordes of Lincoln** 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, 144. Nays, 1.

Those who voted in the affirmative are:

Achey of Middletown Springs	Grad of Moretown	O'Brien of Tunbridge
Ancel of Calais	Gregoire of Fairfield	Ode of Burlington
Anthony of Barre City	Hango of Berkshire	Page of Newport City
Arrison of Weathersfield	Harrison of Chittenden	Pajala of Londonderry
Austin of Colchester	Higley of Lowell	Palasik of Milton
Bartholomew of Hartland	Hooper of Montpelier	Parsons of Newbury
Batchelor of Derby	Hooper of Randolph	Partridge of Windham
Beck of St. Johnsbury	Hooper of Burlington	Patt of Worcester
Birong of Vergennes	Houghton of Essex	Pearl of Danville
Black of Essex	Howard of Rutland City	Peterson of Clarendon
Bluemle of Burlington	James of Manchester	Pugh of South Burlington
Bock of Chester	Jerome of Brandon	Rachelson of Burlington
Bongartz of Manchester	Jessup of Middlesex	Redmond of Essex
Bos-Lun of Westminster	Killacky of South Burlington	Rogers of Waterville
Brady of Williston	Kimbell of Woodstock	Rosenquist of Georgia
Brennan of Colchester	Kitzmiller of Montpelier	Satcowitz of Randolph
Briglin of Thetford	Kornheiser of Brattleboro	Savage of Swanton
Brown of Richmond	LaClair of Barre Town	Scheu of Middlebury
Brownell of Pownal	LaLonde of South Burlington	Scheuermann of Stowe
Brumsted of Shelburne	Lanpher of Vergennes	Seymour of Sutton
Burditt of West Rutland	Lefebvre of Newark	Shaw of Pittsford
Burke of Brattleboro	Lefebvre of Orange	Sheldon of Middlebury
Burrows of West Windsor	Leffler of Enosburgh	Sibilia of Dover
Campbell of St. Johnsbury	Lippert of Hinesburg	Sims of Craftsbury
Canfield of Fair Haven	Long of Newfane	Small of Winooski
		Smith of Derby

Chase of Colchester	Marcotte of Coventry	Smith of New Haven
Christie of Hartford	Martel of Waterford	Squirrell of Underhill
Cina of Burlington	Martin of Franklin	Stebbins of Burlington
Coffey of Guilford	Masland of Thetford	Stevens of Waterbury
Colburn of Burlington	Mattos of Milton	Strong of Albany
Colston of Winooski	McCarthy of St. Albans City	Sullivan of Dorset
Conlon of Cornwall	McCormack of Burlington	Surprenant of Barnard
Copeland Hanzas of Bradford	McCoy of Poultney	Taylor of Colchester
Corcoran of Bennington	McCullough of Williston	Terenzini of Rutland Town
Cordes of Lincoln	McFaun of Barre Town	Till of Jericho
Cupoli of Rutland City	Morgan, L. of Milton	Toof of St. Albans Town
Dolan of Essex	Morgan, M. of Milton	Townsend of South Burlington
Dolan of Waitsfield	Morris of Springfield	Troiano of Stannard
Donahue of Northfield	Morrissey of Bennington	Vyhovsky of Essex
Donnally of Hyde Park	Mrowicki of Putney	Walz of Barre City
Durfee of Shaftsbury	Mulvaney-Stanak of Burlington	Webb of Shelburne
Elder of Starksboro	Murphy of Fairfax	White of Bethel
Emmons of Springfield	Nicoll of Ludlow	White of Hartford
Fagan of Rutland City	Nigro of Bennington	Whitman of Bennington
Feltus of Lyndon	Norris of Sheldon	Williams of Granby
Gannon of Wilmington	Norris of Shoreham	Wood of Waterbury
Goldman of Rockingham	Notte of Rutland City	Yacovone of Morristown
Goslant of Northfield	Noyes of Wolcott	

Those who voted in the negative are:

Graham of Williamstown

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

Dickinson of St. Albans
Town

Helm of Fair Haven
Toleno of Brattleboro

Yantachka of Charlotte

Third Reading; Bill Passed

H. 177

House bill, entitled

An act relating to approval of an amendment to the charter of the City of Montpelier

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

Bill Amended; Read Third Time; Bill Passed

H. 195

House bill, entitled

An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children, sexual assault, homicide, or kidnapping

Was taken up and, pending third reading of the bill, **Rep. Rachelson of Burlington** moved to amend the bill as follows:

In Sec.1, use of facial recognition technology by law enforcement in cases involving sexual exploitation of children, sexual assault, homicide, or kidnapping, in the title, by striking out “, SEXUAL ASSAULT, HOMICIDE, OR KIDNAPPING”

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 289

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

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

Committee Bill; Second Reading; Third Reading Ordered

H. 420

Rep. O'Brien of Tunbridge spoke for the Committee on Agriculture and Forestry.

House bill, entitled

An act relating to miscellaneous agricultural subjects

Having appeared on the Calendar for Notice and appearing on the Calendar for Action, was taken up, read the second time, and third reading ordered.

Committee Bill; Second Reading; Third Reading Ordered

H. 421

Rep. Graham of Williamstown spoke for the Committee on Agriculture and Forestry.

House bill, entitled

An act relating to animal cruelty investigation response and training

Having appeared on the Calendar for Notice and appearing on the Calendar for Action, was taken up, read the second time, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 133

Rep. Notte of Rutland City, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to emergency relief from abuse orders and relinquishment of firearms

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

Sec. 1. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has abused the plaintiff or the plaintiff's children, or both. The plaintiff shall submit an affidavit in support of the order. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on his or her own behalf. Relief under this section shall be limited as follows:

(1) Upon a finding that there is an immediate danger of further abuse, an order may be granted requiring the defendant:

(A) to refrain from abusing the plaintiff or his or her children, or both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing any animal owned, possessed, leased, kept, or held as a pet by either party or by a minor child residing in the household;

(B) to refrain from interfering with the plaintiff's personal liberty or the personal liberty of the plaintiff's children, or both;

(C) to refrain from coming within a fixed distance of the plaintiff, the plaintiff's children, the plaintiff's residence, or the plaintiff's place of employment; ~~and~~

(D) to refrain from contacting the plaintiff or the plaintiff's children, or both, in any way, whether directly, indirectly, or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, e-mail, or other electronic communication; or

(E) to immediately relinquish, until the expiration of the order, all firearms that are in the defendant's possession, ownership, or control, and to refrain from acquiring or possessing any firearms while the order is in effect.

(2) Upon a finding that the plaintiff, ~~or his or her~~ the plaintiff's children, or both, have been forced from the household and will be without shelter unless the defendant is ordered to vacate the premises, the court may order the defendant to vacate immediately the household and may order sole possession of the premises to the plaintiff.

(3) Upon a finding that there is immediate danger of physical or emotional harm to minor children, the court may award temporary custody of these minor children to the plaintiff or to other persons.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

Pending the question, Shall the bill be amended as recommended by the Committee on Judiciary?, **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 Judiciary?, was decided in the affirmative. Yeas, 101. Nays, 41.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Pajala of Londonderry
Anthony of Barre City	Gannon of Wilmington	Partridge of Windham
Arrison of Weathersfield	Goldman of Rockingham	Patt of Worcester
Austin of Colchester	Grad of Moretown	Pearl of Danville
Bartholomew of Hartland	Hooper of Montpelier	Pugh of South Burlington
Beck of St. Johnsbury	Hooper of Burlington	Rachelson of Burlington
Birong of Vergennes	Houghton of Essex	Redmond of Essex
Black of Essex	Howard of Rutland City	Rogers of Waterville
Bluemle of Burlington	James of Manchester	Satcowitz of Randolph
Bock of Chester	Jerome of Brandon	Scheu of Middlebury
Bongartz of Manchester	Jessup of Middlesex	Scheuermann of Stowe
Bos-Lun of Westminster	Killacky of South Burlington	Sheldon of Middlebury
Brady of Williston	Kimbell of Woodstock	Sibilia of Dover
Briglin of Thetford	Kitzmiller of Montpelier	Sims of Craftsbury
Brown of Richmond	Kornheiser of Brattleboro	Small of Winooski
Brumsted of Shelburne	LaLonde of South	Squirrell of Underhill
Burke of Brattleboro	Burlington *	Stebbins of Burlington
Burrows of West Windsor	Lanpher of Vergennes	Stevens of Waterbury

Campbell of St. Johnsbury	Lefebvre of Newark	Surprenant of Barnard
Chase of Colchester	Lippert of Hinesburg	Taylor of Colchester
Christie of Hartford	Long of Newfane	Till of Jericho
Cina of Burlington	Masland of Thetford	Toleno of Brattleboro
Coffey of Guilford	McCarthy of St. Albans City	Townsend of South
Colburn of Burlington	McCullough of Williston	Burlington
Colston of Winooski	Morris of Springfield	Troiano of Stannard
Conlon of Cornwall	Mrowicki of Putney	Vyhovsky of Essex
Copeland Hanzas of Bradford	Mulvaney-Stanak of Burlington	Walz of Barre City
Corcoran of Bennington	Murphy of Fairfax	Webb of Shelburne
Cordes of Lincoln	Nicoll of Ludlow	White of Bethel
Dolan of Essex	Nigro of Bennington	White of Hartford
Dolan of Waitsfield	Notte of Rutland City	Whitman of Bennington
Donahue of Northfield	Noyes of Wolcott	Williams of Granby
Donnally of Hyde Park	O'Brien of Tunbridge	Wood of Waterbury
Durfee of Shaftsbury	Ode of Burlington	Yacovone of Morristown
Elder of Starksboro		

Those who voted in the negative are:

Achey of Middletown Springs	Helm of Fair Haven	Norris of Sheldon
Batchelor of Derby *	Higley of Lowell	Norris of Shoreham
Brownell of Pownal	LaClair of Barre Town	Page of Newport City
Burditt of West Rutland	Lefebvre of Orange	Palasik of Milton
Canfield of Fair Haven	Leffler of Enosburgh	Parsons of Newbury
Cupoli of Rutland City	Marcotte of Coventry	Peterson of Clarendon
Fagan of Rutland City	Martel of Waterford	Rosenquist of Georgia
Feltus of Lyndon	Martin of Franklin	Savage of Swanton
Goslant of Northfield	Mattos of Milton	Shaw of Pittsford
Graham of Williamstown	McCoy of Poultney	Smith of Derby
Gregoire of Fairfield	McFaun of Barre Town	Smith of New Haven
Hango of Berkshire	Morgan, L. of Milton	Strong of Albany
Harrison of Chittenden	Morgan, M. of Milton	Terenzini of Rutland Town
	Morrissey of Bennington	Toof of St. Albans Town

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

Brennan of Colchester	Hooper of Randolph	Sullivan of Dorset
Dickinson of St. Albans Town	McCormack of Burlington	Yantachka of Charlotte
	Seymour of Sutton	

Rep. Batchelor of Derby explained her vote as follows:

“Madam Speaker:

I voted to oppose H.133 in its current form as I cannot, in good conscience, support any legislation which allows seizure of firearms without the highest level of due process. Thank you.”

Rep. LaLonde of South Burlington explained his vote as follows:

“Madam Speaker:

Emergency relief from abuse orders have long been an inexpensive and uncomplicated judicial avenue for victims of abuse to seek immediate safety. When a victim is able to prove past abuse and the immediate danger of further abuse, a court can issue a Relief from Abuse Order. As part of that order, the court has the inherent authority to require the defendant to relinquish firearms. H.133 simply creates a statutory basis for this authority that clarifies the option to order firearm relinquishment. With this bill, victims will have a clearer understanding that an order removing firearms is available to improve their safety. And, crucially, providing courts explicit as opposed to inherent authority to do so makes this option unambiguous to judges.”

Thereupon, third reading was ordered.

Action on Bills Postponed

H. 227

House bill, entitled

An act relating to approval of amendments to the charter of the City of Winooski

Was taken up and pending the reading of the report of the Committee on Government Operations, on motion of **Rep. Colston of Winooski**, action on the bill was postponed until March 16, 2021.

H. 366

House bill, entitled

An act relating to 2021 technical corrections

Was taken up and pending the reading of the report of the Committee on Government Operations, on motion of **Rep. Hooper of Burlington**, action on the bill was postponed until March 16, 2021.

H. 10

House bill, entitled

An act relating to permitted candidate expenditures

Was taken up and pending the reading of the report of the Committee on Government Operations, on motion of **Rep. Gannon of Wilmington**, action on the bill was postponed until March 16, 2021.

H. 337

House bill, entitled

An act relating to the printing and distribution of State publications

Was taken up and pending the reading of the report of the Committee on Government Operations, on motion of **Rep. Lefebvre of Orange**, action on the bill was postponed until March 16, 2021.

Adjournment

At three o'clock and thirty-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, March 12, 2021

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. Anthony of Barre City.

Committee Bill Introduced**H. 428**

By the Committee on Judiciary,

An act relating to hate-motivated crimes and misconduct

Was read, and pursuant to Rule 48, placed on the Calendar for Notice.

House Bill Introduced**H. 429**

By Reps. Gannon of Wilmington and Ode of Burlington,

House bill, entitled

An act relating to establishing an advisory group to address bias in State-used software

To the Committee on Energy and Technology.

Ceremonial Reading**H.C.R. 20**

House concurrent resolution congratulating the 2020 class of Boy Scouts who have achieved the rank of Eagle

Offered by: Fagan of Rutland City, Achey of Middletown Springs, Anthony of Barre City, Arrison of Weathersfield, Austin of Colchester, Batchelor of Derby, Beck of St. Johnsbury, Birong of Vergennes, Black of Essex, Bongartz of Manchester, Brady of Williston, Brennan of Colchester, Briglin of Thetford, Brumsted of Shelburne, Burditt of West Rutland, Burke of Brattleboro, Canfield of Fair Haven, Chase of Colchester, Cina of Burlington, Coffey of Guilford, Conlon of Cornwall, Corcoran of Bennington, Cupoli of Rutland City, Dickinson of St. Albans Town, Dolan of Essex, Donahue of Northfield, Donnally of Hyde Park, Durfee of Shaftsbury, Feltus of Lyndon, Goldman of Rockingham, Goslant of Northfield, Grad of Moretown, Graham of Williamstown, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Helm of Fair Haven, Higley of Lowell, Hooper of Burlington, Houghton of Essex, Howard of Rutland City, James of Manchester, Jerome of Brandon, Jessup of Middlesex, Killacky of South Burlington, Kimbell of Woodstock, Lanpher of Vergennes, Lefebvre of Orange, Lippert of Hinesburg, Marcotte of Coventry, Masland of Thetford, McCoy of Poultney, McCullough of Williston, McFaun of Barre Town, Morgan, L. of Milton, Morgan, M. of Milton, Morris of Springfield, Morrissey of Bennington, Murphy of Fairfax, Nicoll of Ludlow, Nigro of Bennington, Norris of Sheldon, Norris of Shoreham, Notte of Rutland City, Noyes of Wolcott, Ode of Burlington, Page of Newport City, Palasik of Milton, Parsons of Newbury, Partridge of Windham, Patt of Worcester, Peterson of Clarendon, Pugh of South Burlington, Redmond of Essex, Rosenquist of Georgia, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Smith of New Haven, Squirrell of Underhill, Stebbins of Burlington, Stevens of Waterbury, Strong of Albany, Sullivan of Dorset, Taylor of Colchester, Till of Jericho, Toleno of Brattleboro, Toof of St. Albans Town, Townsend of South Burlington, Troiano of Stannard, Vyhovsky of Essex, Webb of Shelburne, White of Bethel, White of Hartford, Whitman of Bennington, Williams of Granby, Wood of Waterbury, Yacovone of Morristown, and Yantachka of Charlotte

Having been adopted in concurrence on Friday, February 26, 2021 in accord with Joint Rule 16b, was read.

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

H. 306

Rep. Sheldon of Middlebury moved that the Committee on Natural Resources, Fish, and Wildlife be relieved of House bill, entitled

An act relating to developing a State Planning Office

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

Third Reading; Bill Passed

H. 133

House bill, entitled

An act relating to emergency relief from abuse orders and relinquishment of firearms

Was taken up and read the third time.

Pending the question, Shall the bill pass?, **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 bill pass?, was decided in the affirmative. Yeas, 102. Nays, 44.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Partridge of Windham
Anthony of Barre City	Goldman of Rockingham	Patt of Worcester
Arrison of Weathersfield	Grad of Moretown	Pearl of Danville
Austin of Colchester *	Hooper of Montpelier	Pugh of South Burlington
Bartholomew of Hartland	Hooper of Burlington	Rachelson of Burlington
Beck of St. Johnsbury	Houghton of Essex	Redmond of Essex
Birong of Vergennes	Howard of Rutland City	Rogers of Waterville
Black of Essex	James of Manchester	Satcowitz of Randolph
Bluemle of Burlington	Jerome of Brandon	Scheu of Middlebury
Bock of Chester	Jessup of Middlesex	Scheuermann of Stowe
Bongartz of Manchester	Killackey of South Burlington	Sheldon of Middlebury
Bos-Lun of Westminster	Kimbell of Woodstock	Sibilia of Dover
Brady of Williston	Kitzmiller of Montpelier	Sims of Craftsbury
Briglin of Thetford	Kornheiser of Brattleboro	Small of Winooski
Brown of Richmond	LaLonde of South	Squirrell of Underhill
Brumsted of Shelburne	Burlington	Stebbins of Burlington
Burke of Brattleboro	Lanpher of Vergennes	Stevens of Waterbury
Burrows of West Windsor	Lefebvre of Newark	Sullivan of Dorset
Campbell of St. Johnsbury	Lippert of Hinesburg	Surprenant of Barnard
Chase of Colchester	Long of Newfane	Taylor of Colchester
Cina of Burlington	Masland of Thetford	Till of Jericho

Coffey of Guilford	McCarthy of St. Albans City	Townsend of South
Colburn of Burlington	McCormack of Burlington	Burlington
Colston of Winooski	McCullough of Williston	Troiano of Stannard
Conlon of Cornwall	Morris of Springfield	Vyhovsky of Essex *
Copeland Hanzas of Bradford	Mrowicki of Putney	Walz of Barre City
Corcoran of Bennington	Mulvaney-Stanak of Burlington	Webb of Shelburne
Cordes of Lincoln	Murphy of Fairfax	White of Bethel
Dolan of Essex	Nicoll of Ludlow	White of Hartford
Dolan of Waitsfield	Nigro of Bennington	Whitman of Bennington
Donahue of Northfield	Notte of Rutland City	Williams of Granby
Donnally of Hyde Park	Noyes of Wolcott	Wood of Waterbury
Durfee of Shaftsbury	O'Brien of Tunbridge	Yacovone of Morristown
Elder of Starksboro	Ode of Burlington	Yantachka of Charlotte
Emmons of Springfield	Pajala of Londonderry	

Those who voted in the negative are:

Achey of Middletown Springs	Harrison of Chittenden	Norris of Shoreham
Batchelor of Derby	Helm of Fair Haven	Page of Newport City
Brennan of Colchester	Higley of Lowell	Palasik of Milton
Brownell of Pownal	LaClair of Barre Town	Parsons of Newbury
Burditt of West Rutland	Lefebvre of Orange	Peterson of Clarendon
Canfield of Fair Haven	Leffler of Enosburgh	Rosenquist of Georgia
Cupoli of Rutland City	Marcotte of Coventry	Savage of Swanton
Dickinson of St. Albans Town	Martel of Waterford	Seymour of Sutton
Fagan of Rutland City	Martin of Franklin	Shaw of Pittsford
Feltus of Lyndon	Mattos of Milton	Smith of Derby
Goslant of Northfield	McCoy of Poultney	Smith of New Haven
Graham of Williamstown	McFaun of Barre Town	Strong of Albany
Gregoire of Fairfield	Morgan, L. of Milton	Terenzini of Rutland Town
Hango of Berkshire	Morgan, M. of Milton	Toof of St. Albans Town
	Morrissey of Bennington	
	Norris of Sheldon	

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

Christie of Hartford	Hooper of Randolph	Toleno of Brattleboro
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Rep. Austin of Colchester explained her vote as follows:

“Madam Speaker:

In August 2006 I was at the Essex Middle School preparing for the opening day of school the next day. An announcement came over the intercom that the District was in lockdown - this was not a drill.

Later I learned that my friend and colleague Alicia Shanks was randomly shot and killed by a jilted lover in search of his girlfriend at the Essex Elementary School.

Perhaps if this relief from abuse order had been in effect back then Alicia would be alive today.”

Rep. Vyhovsky of Essex explained her vote as follows:

“Madam Speaker:

As a gun owner myself and a person who grew up in a family of hunters, I respect the tradition of gun ownership and sportsmanship in Vermont. I am struck today by the one-sided argument that we must protect the right to wield a weapon at all costs with no regard given to the constitutional right to life.

This is a relief from abuse bill that not only does not fundamentally change what is already allowable and common practice, it is also temporary and thus not an issue of rights but a temporary inconvenience to protect the constitutional right to life. I believe based on the statistics that it will save the lives of those who have been abused and terrorized and therefore I vote yes.”

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 420

House bill, entitled

An act relating to miscellaneous agricultural subjects

H. 421

House bill, entitled

An act relating to animal cruelty investigation response and training

Action on Bill Postponed

H. 87

House bill, entitled

An act relating to establishing a classification system for criminal offenses

Was taken up and, pending the reading of the report of the Committee on Judiciary, on motion of **Rep. LaLonde of South Burlington**, action on the bill was postponed until March 17, 2021.

Joint Resolution Adopted in Concurrence**J.R.S. 18**

Joint resolution, entitled

Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and three Magistrates

Was taken up and adopted in concurrence.

Adjournment

At ten o'clock and seven minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 16, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 17.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 23

House concurrent resolution honoring former Representative Edward H. Paquin Jr. for his exemplary leadership as a disability rights advocate

H.C.R. 24

House concurrent resolution designating March 2021 as Vermont Habitat for Humanity Month

H.C.R. 25

House concurrent resolution recognizing the importance of early childhood care services in Vermont

H.C.R. 26

House concurrent resolution in memory of John Pandiani of Bristol

S.C.R. 1

Senate concurrent resolution in memory of former Burlington Alderwoman Janet Stackpole

[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 2021, seventy-sixth Biennial session.]

Tuesday, March 16, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Dolan of Essex.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 26

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 passed Senate bills of the following titles:

S. 22. An act relating to health care practitioners administering stem cell products not approved by the U.S. Food and Drug Administration.

S. 39. An act relating to the Judicial Branch fee report and electronic filing fees.

S. 117. An act relating to extending health care regulatory flexibility during and after the COVID-19 pandemic and to coverage of health care services delivered by audio-only telephone.

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. 1. Senate concurrent resolution in memory of former Burlington Alderwoman Janet Stackpole.

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

H.C.R. 23. House concurrent resolution honoring former Representative Edward H. Paquin Jr. for his exemplary leadership as a disability rights advocate.

H.C.R. 24. House concurrent resolution designating March 2021 as Vermont Habitat for Humanity Month.

H.C.R. 25. House concurrent resolution recognizing the importance of

early childhood care services in Vermont.

H.C.R. 26. House concurrent resolution in memory of John Pandiani of Bristol.

Committee Bills Introduced; Referred to Appropriations

House committee bills of the following titles, pending appearance on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, were referred to the Committee on Appropriations:

H. 430

By the Committee on Health Care,

House bill, entitled

An act relating to expanding eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals regardless of immigration status

H. 432

By the Committee on Government Operations,

House bill, entitled

An act relating to compensation for certain State employees (Pay Act)

H. 433

By the Committee on Transportation,

House bill, entitled

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

H. 434

By the Committee on Agriculture and Forestry,

House bill, entitled

An act relating to establishing the Agricultural Innovation Board

H. 435

By the Committee on Corrections and Institutions,

House bill, entitled

An act relating to miscellaneous Department of Corrections-related amendments

Committee Bill Introduced; Referred to Ways and Means**H. 431**

By the Committee on Energy and Technology,

House bill, entitled

An act relating to miscellaneous energy subjects

Pending appearance on the Calendar for Notice, and pursuant to 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 as follows:

S. 22

Senate bill, entitled

An act relating to health care practitioners administering stem cell products not approved by the U.S. Food and Drug Administration

To the Committee on Health Care.

S. 39

Senate bill, entitled

An act relating to the Judicial Branch fee report and electronic filing fees

To the Committee on Judiciary.

S. 117

Senate bill, entitled

An act relating to extending health care regulatory flexibility during and after the COVID-19 pandemic and to coverage of health care services delivered by audio-only telephone

To the Committee on Health Care.

Bills Referred to Committee on Appropriations

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

H. 153

House bill, entitled

An act relating to Medicaid reimbursement rates for home- and community-based service providers

H. 183

House bill, entitled

An act relating to sexual violence

H. 210

House bill, entitled

An act relating to addressing disparities and promoting equity in the health care system

H. 293

House bill, entitled

An act relating to creating the State Youth Council

Bills Referred to Committee on Ways and Means

House bills of the following titles, appearing on the Calendar for Notice, affecting the revenue of the State, under Rule 35(a), were referred to the Committee on Ways and Means:

H. 157

House bill, entitled

An act relating to registration of construction contractors

H. 159

House bill, entitled

An act relating to creating the Better Places Program

H. 313

House bill, entitled

An act relating to miscellaneous amendments to alcoholic beverage laws

Joint Resolution Placed on Calendar**J.R.H. 5**

Joint resolution authorizing, subject to the determination of and limitations that the Sergeant at Arms may establish, the Green Mountain Boys State educational program to use the State House

Offered by: Representatives Marcotte of Coventry and Seymour of Sutton

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, the COVID-19 pandemic has forced the temporary closure of the State House to the public, and the extent of permitted public access to the building on June 24, 2021 will be dependent on the prevailing public health situation, 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 24, 2021, 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 and, in the Speaker's discretion, placed on the Calendar for Action on the next legislative day under Rule 52.

Joint Resolution Referred to Committee**J.R.H. 6**

Joint resolution relating to racism as a public health emergency

Offered by: Representatives Cina of Burlington, Austin of Colchester, Bartholomew of Hartland, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Christie of Hartford, Colburn of Burlington, Colston of Winooski, Cordes of Lincoln, Donnally of Hyde Park, Elder of Starksboro, Lippert of Hinesburg, Morris of Springfield, Mulvaney-Stanak of Burlington, Pugh of South Burlington, Rachelson of Burlington, Sibilia of Dover, Small of Winooski, Surprenant of Barnard, Vyhovsky of Essex, and White of Hartford

Whereas, stark and persistent health inequities exist in the United States based on race and that are caused by systemic racism, and

Whereas, systemic racism is a principal social determinant of individual and public health, impacting economic, employment, education, housing, justice, and health opportunities and outcomes, all of which further adversely impact the health of People of Color, and

Whereas, the COVID-19 pandemic is now exacerbating these inequities, and Black and Latino people in the United States have been nearly three times as likely to die, and

Whereas, these same inequities exist in Vermont, and during the pandemic, though Black residents comprise just over one percent of Vermont's population, they account for approximately 4.8 percent of the total confirmed COVID-19 cases as of December 16, 2020, and

Whereas, research and experience demonstrate that Vermont residents experience barriers to the equal enjoyment of good health based on race and ethnicity, and

Whereas, the incidence rate of COVID-19 for non-White Vermonters is 74.2 versus 26.2 for White Vermonters, and specifically the incidence rate for Black Vermonters is 225.7; the incidence rate for Asian Vermonters is 61; the incidence rate for Hispanic Vermonters is 41.7; and the incidence rate for other races is 20.5, and

Whereas, while there are not statistically significant differences in the rates of preexisting conditions, such as diabetes, lung disease, and cardiovascular disease, among White and non-White Vermonters, there are disparities in the rates of preexisting conditions among Vermonters testing positive for COVID-19, which suggests that non-White Vermonters are at higher risk of exposure to COVID-19 due to their type of employment and living arrangements, and

Whereas, 36 percent of non-White Vermonters had household contact with a confirmed case of COVID-19, as compared to only 20 percent of White Vermonters, and

Whereas, according to the Department of Health's 2018 Behavioral Risk Factor Surveillance System report, non-White Vermonters are: (1) statistically less likely to have a personal doctor; (2) statistically more likely to report poor mental health; (3) more than twice as likely to report rarely or never getting the necessary emotional and social support; (4) significantly more likely to have depression; (5) significantly more likely to have been worried about having enough food in the past year; and (6) significantly more likely to report no physical activity during leisure time, and

Whereas, non-white Vermonters are disproportionately represented in the total number of patients in the highest level of involuntary hospital beds in the State, comprising 15 percent of the patients admitted to the Vermont Psychiatric Care Hospital between May 1, 2019 and April 30, 2020, and

Whereas, social determinants of health are underlying, contributing factors of the foregoing health inequities, and

Whereas, 21 percent of Black Vermonters own their own homes, while 72 percent of White Vermonters own their own homes, and nationally, 41 percent of Black Americans own their own homes, and

Whereas, the median household income of Black Vermonters is \$41,533.00 while the median household income of White Vermonters is \$58,244.00, and

Whereas, in 2018, 23.8 percent of Black Vermonters were living in poverty while 10.7 percent of White Vermonters lived in poverty, and 57 percent of Black Vermonters earned less than 80 percent of Vermont's median income while 43 percent of White Vermonters earned less than 80 percent of Vermont's median income, and

Whereas, about one in two non-White Vermonters experience "housing problems," which is defined as having homes that lack complete kitchen facilities or plumbing, having overcrowded homes, or paying more than 30 percent of household income towards rent, mortgage payments, and utilities, and

Whereas, Black Vermonters are overrepresented among Vermonters experiencing homelessness, in that they make up six percent of Vermonters experiencing homelessness, while making up approximately one percent of Vermont's population, now therefore be it

Resolved by the Senate and House of Representatives:

That racism constitutes a public health emergency in Vermont, and be it further

Resolved: That this legislative body commits to the sustained and deep work of eradicating systemic racism throughout the State, actively fighting racist practices, and participating in the creation of more just and equitable systems, and be it further

Resolved: That this legislative body commits to coordinating work and participating in ongoing action, grounded in science and data, to eliminate race-based health disparities and eradicate systemic racism, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Governor, the Chief Justice of the Vermont Supreme Court,

the League of Cities and Towns, all regional planning commissions, and the Vermont Racial Justice Alliance.

Was read and, in the Speaker's discretion pursuant to Rule 52, treated as bill and referred to the Committee on Human Services.

Ceremonial Readings

H.C.R. 24

House concurrent resolution designating March 2021 as Vermont Habitat for Humanity Month

Offered by: Representative Walz of Barre City

Having been adopted in concurrence on Friday, March 12, 2021 in accord with Joint Rule 16b, was read.

H.C.R. 25

House concurrent resolution recognizing the importance of early childhood care services in Vermont

Offered by: Representative James of Manchester

Having been adopted in concurrence on Friday, March 12, 2021 in accord with Joint Rule 16b, was read.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 152

Rep. Webb of Shelburne moved that the Committee on Education be relieved of House bill, entitled

An act relating to education property tax

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. 366

Rep. Hooper of Burlington, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to 2021 technical corrections

Reported in favor of its passage when amended as follows:

First: By striking out Secs. 136 through 145 in their entireties and inserting in lieu thereof the following:

Sec. 136. [Deleted.]

Sec. 137. [Deleted.]

Sec. 138. [Deleted.]

Sec. 139. [Deleted.]

Sec. 140. [Deleted.]

Sec. 141. [Deleted.]

Sec. 142. [Deleted.]

Sec. 143. [Deleted.]

Sec. 144. [Deleted.]

Sec. 145. [Deleted.]

Second: In Sec. 146, 20 V.S.A. § 1543, by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) ~~the spouses of such service-connected disabled ex-servicemen or women as~~ ex-service personnel who have themselves been unable to qualify for any civil service appointment by reason of their disability;

Third: By striking out Sec. 177, 20 V.S.A. § 2861, in its entirety and inserting in lieu thereof a new Sec. 177 to read as follows:

§ 2861. GENERALLY

When it may seem to be for the public good, the ~~fire marshal~~ Fire Marshal shall personally visit and investigate any fire in accordance with the provisions of this chapter and ~~he shall be repaid all~~ for any related expenses incident thereto out of the funds ~~provided for in section 2687 of this title~~ appropriated to the Division of Fire Safety.

Fourth: In Sec. 193, 20 V.S.A. § 3349, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) A person who owns or keeps a stallion over one year of age, between April 1 and December 1, in a private enclosure in ~~such a manner as to disturb and annoy~~ that disturbs and annoys the owner or occupant of adjoining premises shall be fined \$5.00 for each week ~~he so keeps such~~ that the owner or keeper keeps the stallion after he the owner or keeper has received three days' notice from an adjoining owner or occupant to remove such the stallion.

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

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 10

Rep. Gannon of Wilmington, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to permitted candidate expenditures

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

Committee Bill; Second Reading; Third Reading Ordered

H. 337

Rep. Lefebvre of Orange spoke for the Committee on Government Operations.

House bill entitled

An act relating to the printing and distribution of State publications

Rep. Townsend of South Burlington, for the Committee on Appropriations, recommended the bill ought to pass.

Having appeared on the Calendar for Notice, was taken up, read the second time, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 46

Rep. Donahue of Northfield, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to miscellaneous provisions of mental health law

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

Sec. 1. 18 V.S.A. § 7503 is amended to read:

§ 7503. APPLICATION FOR VOLUNTARY ADMISSION

* * *

(b) Before the person may be admitted as a voluntary patient, he or she shall give his or her consent in writing on a form adopted by the Department. The consent shall include a representation that:

(1) the person understands that his or her treatment will involve inpatient status;

(2) ~~that he or she~~ the person desires to be admitted to the hospital; ~~and;~~

(3) ~~that he or she~~ the person consents to admission voluntarily, without any coercion or duress; ~~and~~

(4) the person understands that inpatient treatment may be on a locked unit and a requested discharge may be deferred if the treating physician determines that the person is a person in need of treatment pursuant to section 7101 of this title.

* * *

Sec. 2. 18 V.S.A. § 7701 is amended to read:

§ 7701. NOTICE OF RIGHTS

The head of a hospital shall provide reasonable means and arrangements, including the posting of excerpts from relevant statutes, for informing patients of their right to discharge and other rights and for assisting them in making and presenting requests for discharge or for application to have the patient's status changed from involuntary to voluntary.

Sec. 3. 18 V.S.A. § 7703 is amended to read:

§ 7703. TREATMENT

* * *

(b) The Department shall establish minimum standards for adequate treatment as provided in this section, including requirements that, when possible, psychiatric unit staff be used as the primary source to implement emergency involuntary procedures such as seclusion and restraint. The Department shall oversee and collect information and report on data regarding the use of emergency involuntary procedures for patients admitted to a psychiatric unit regardless of whether the patient is under the care and custody of the Commissioner.

Sec. 4. 2018 Acts and Resolves No. 200, § 7 is amended to read:

Sec. 7. DATA COLLECTION AND REPORT; PATIENTS SEEKING
MENTAL HEALTH CARE IN HOSPITAL SETTINGS

(a) Pursuant to the authority granted to the Commissioner of Mental Health under 18 V.S.A. § 7401, the Commissioner shall collect the following information from hospitals in the State that have either an inpatient psychiatric unit or emergency department receiving patients with psychiatric health needs:

(1) the number of individuals seeking psychiatric care voluntarily and the number of individuals in the custody or temporary custody of the Commissioner who are admitted to inpatient psychiatric units and the corresponding lengths of stay on the unit; and

(2) the lengths of stay in emergency departments for individuals seeking psychiatric care voluntarily and for individuals in the custody or temporary custody of the Commissioner; ~~and~~

~~(3) data regarding emergency involuntary procedures performed in an emergency department on individuals seeking psychiatric care.~~

(b) On or before January 15 of each year between ~~2019 and 2021~~ 2021 and 2023, the Commissioner of Mental Health shall submit a written report to the House Committee on Health Care and to the Senate Committee on Health and Welfare containing the data collected pursuant to subsection (a) of this section during the previous calendar year.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 104

Rep. Peterson of Clarendon, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to allowing certain licensed out-of-state mental health professionals to treat Vermont patients using telemedicine

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

Sec. 1. FACILITATION OF INTERSTATE PRACTICE USING
TELEHEALTH WORKING GROUP; REPORT

(a) Creation. There is created the Facilitation of Interstate Practice Using Telehealth Working Group to compile and evaluate methods for facilitating the practice of health care professionals throughout the United States using telehealth modalities.

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

(1) the Director of the Office of Professional Regulation;

(2) representatives of the health care professions associated with the Office of Professional Regulation, selected by their respective licensing board or by the Director;

(3) the Executive Director of the Board of Medical Practice;

(4) representatives of the health care professions licensed by the Board of Medical Practice, selected by the Commissioner of Health;

(5) representatives of health care professional organizations;

(6) representatives of health insurers; and

(7) other interested stakeholders.

(c) Powers and duties. The Working Group shall compile and evaluate methods for facilitating the interstate practice of health care professionals using telehealth modalities, including through the creation of telehealth licenses, waiver of licensure, national licensure compacts, and regional reciprocity agreements. In evaluating potential options for implementation in Vermont, the Working Group shall consider the following issues:

(1) impacts and ethical considerations related to patient care and continuity of care;

(2) whether to limit to health care professionals with preexisting patient relationships;

(3) impacts on State regulatory oversight and enforcement, including the fiscal impacts;

(4) effects on prescribing;

(5) differences between the various states and U.S. territories in scopes of practice, qualifications, regulation, and enforcement;

(6) different policy options for facilitating interstate practice, including the potential for reciprocity with health care professionals licensed in Vermont;

(7) whether to explore the international practice of health care professionals using telehealth; and

(8) other issues relevant to facilitating the interstate practice of health care professionals.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Office of Professional Regulation.

(e) Report. On or before December 15, 2021, the Director of the Office of Professional Regulation shall provide the Working Group's findings and recommendations to the House Committees on Health Care and on Government Operations and the Senate Committees on Health and Welfare and on Government Operations.

(f) Meetings. The Director of the Office of Professional Regulation shall convene and serve as the chair of the Working Group and shall call the first meeting to occur on or before July 1, 2021.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to considerations in facilitating the interstate practice of health care professionals using telehealth"

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

Second Reading; Bill Amended; Third Reading Ordered

H. 149

Rep. Murphy of Fairfax, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to modernizing statutes related to the Vermont National Guard

Reported in favor of its passage when amended by striking out Sec. 72, effective date, in its entirety and inserting in lieu thereof Secs. 72 and 73 to read as follows:

Sec. 72. 21 V.S.A. § 491 is amended to read:

§ 491. ABSENCE ON MILITARY SERVICE AND TRAINING;

EMPLOYMENT AND REEMPLOYMENT RIGHTS

(a)(1) Any duly qualified member of the Reserve Components of the U.S. Armed Forces, of the Ready Reserve, or an organized unit of the Vermont National Guard or the National Guard of another state shall ~~upon~~, when called to state or federal service, receive the same benefits, privileges, and protections in employment regardless of the activation authority or location of service.

(2)(A) Upon request, a duly qualified member of the Reserve Components of the U.S. Armed Forces, of the Ready Reserve, or the Vermont National Guard or the National Guard of another state shall be entitled to leaves of absence for a total of 15 days in any calendar year for the purpose of engaging a leave of absence to engage in military drill, training, or other temporary duty under military authority pursuant to state or federal military orders.

(B) A member of the Vermont National Guard or the National Guard of any state or territory who is ordered to state active duty shall be subject to the requirements of and entitled to the rights, privileges, benefits, and protections provided by the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301–4335.

(C) ~~A leave of absence shall be with or without pay as determined by the employer. Upon completion of the military drill, training, or other temporary duty under military authority, a permanent employee shall be reinstated in that position with the same status, pay, and seniority, including seniority that accrued during the period of absence.~~

(b) A member of or an applicant for membership in the National Guard in either federal or state status as defined in 20 V.S.A. §§ 366, ~~and 601, or 602,~~ shall not be denied initial employment, reemployment, retention of employment, promotion, or any benefit of employment by an employer on the basis of membership, application for membership, performance of service, application for service, or obligation to serve.

* * *

Sec. 73. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

**Second Reading; Roll Call Request Withdrawn; Bill Amended;
Recess; Bill Committed**

H. 227

Rep. Colston of Winooski, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the City of Winooski

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

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendment to the charter of the City of Winooski as set forth in this act. Voters approved the proposal of amendment on November 3, 2020.

Sec. 2. 24 App. V.S.A. chapter 19 is amended to read:

CHAPTER 19. CITY OF WINOOSKI

* * *

§ 105. POWER OVER WATER RESOURCES

(a) No ~~citizen person~~, association of ~~citizens persons~~, ~~domestic corporation corporate entity~~, or municipality, or any combination thereof, may develop, conserve, or use in whole or in part the water resources of the Winooski River as it flows through the City of Winooski for a water power project located in whole or in part in the City of Winooski without obtaining the approval of the City Council of the City of Winooski in addition to any other necessary State or federal agency approvals.

* * *

§ 201. CITY MEETINGS

The annual City meeting shall occur on the first Tuesday in March, and shall be warned in the manner provided by general law. Special City meetings shall be called and warned as provided by general law. All elections, voter registration and qualifications, absentee voting, and the conduct of ~~such~~ City meetings shall be controlled by ~~general law~~ section 202 of this charter. All matters shall be considered by Australian ballot.

§ 202. QUALIFIED VOTERS

(a) Voter registration, ~~qualification~~, absentee voting, and conduct of elections at all annual and special meetings shall be as provided by general

law. The qualifications of voters in State and federal elections shall be as provided by general law. The qualifications of voters in the City meetings shall be the same as those prescribed by law for voters in town meetings and all municipal elections shall be as set forth in subsection (b) of this section.

(b) Notwithstanding 17 V.S.A. § 2121(a)(1), any person, including persons who are non-U.S. citizens, may register to vote in any City meeting or municipal election who, on election day:

- (1) is a legal resident of the City;
- (2) has taken the Voter's Oath; and
- (3) is 18 years of age or older.

(c) As used in subdivision (b)(1) of this section, "legal resident of the City" means any person who is a resident of the City and is a United States citizen or resides in the United States on a permanent or indefinite basis in compliance with federal immigration laws.

(d) The City Clerk shall maintain a voter checklist for City meetings and municipal elections, in accordance with subsection (b) of this section, and shall keep the City checklist separate and apart from the voter checklist maintained for State and federal elections.

(e) The voter checklists maintained by the City Clerk for municipal, State, and federal elections shall be subject to the protections given to the Statewide voter checklists pursuant to 17 V.S.A. § 2154.

* * *

§ 205. NOMINATIONS IN GENERAL

~~Nominations for the office of Mayor and Councilor shall be made by petitions which shall be filed with the City Clerk not less than 30 days nor more than 40 days before an annual City election or a special City election called for that purpose. The petition shall state the name of the candidate, the candidate's residence, and the office sought, and shall be signed by at least 50 legal voters of the City qualified to vote at the time the petition is filed. The petition, prepared and filed in accordance with the provisions of 17 V.S.A. §§ 2681 and 2681a. The petitions shall contain no party designations. A person shall not sign more than one petition for each individual office to be filled. The City Clerk shall cause the names of the persons so nominated to be printed on a ballot in alphabetical arrangement according to surname, and sample ballots shall be posted in at least three public places at least ten days before election.~~

* * *

§ 304. GENERAL POWERS AND DUTIES

* * *

(b) Additional powers. In addition to powers otherwise conferred upon it by law, the City, by the action of the Council or, if specifically required by law or this charter, by the action of its voters, has the following powers and rights, including:

* * *

(7) To provide for ~~citizen~~ resident participation in appropriate departments.

* * *

§ 305. PROHIBITIONS; CONFLICT OF INTEREST

(a) Holding other office. Except where authorized by law, no councilor shall hold any other City office or City employment during the term of election to the Council. ~~Notwithstanding any charter provision to the contrary, a paid or unpaid volunteer member of the Fire Department, other than an officer or member of the Department appointed directly by the City Manager, may serve as a member of the City Council.~~

* * *

§ 506. CITY OFFICERS; APPOINTMENT OF

* * *

(c) Officers. In accordance with the provisions of this section, the City Manager shall appoint the following, who shall hold office at the will of the City Manager:

* * *

(10) an Emergency Management Coordinator; ~~and~~

(11) a Human Resources Director; and

~~(11)~~(12) other officers required by law.

* * *

§ 602. ~~CITIZEN~~ RESIDENT ENGAGEMENT

* * *

(d) All unpaid appointments of ~~citizens~~ residents to the boards, committees, commissions, and agencies shall be for a term certain. ~~Citizens~~ Residents once appointed to a term may only be removed for cause or after

unanimous vote by the City Council. If ad hoc committees are created, the appointment will cease upon completion of the Committee's task.

§ 603. PERSONNEL SYSTEM

* * *

~~(b) Personnel Director. There shall be a Personnel Director who shall administer the personnel system of the City. The Personnel Director shall be the City Manager. The Personnel Director shall be responsible for collective bargaining and administration of negotiated contracts subject to approval by the City Council. [Repealed.]~~

(c) [Repealed.]

(d) Personnel policies. The ~~Personnel Director~~ City Manager shall prepare personnel policies. The personnel rules shall be proposed to the Council, and the Council may adopt them with or without amendment. These rules shall provide for:

* * *

§ 717. TAX CLASSIFICATION

(a) Except for the property of utilities subject to regulation by the Vermont Public Utility Commission, all personal and real property set out in the grand list that is not used as residential property, farmland, and ~~vacant land zoned "recreation, conservation, and open space (RCO)"~~ public recreation, conservation, or open space lands shall be classified as nonresidential property and shall be assessed ~~at~~ taxed by applying the tax rate on 120 percent of ~~fair market~~ the assessed value of the property; and further provided that inventories shall no longer be set out in the grand list of the City as taxable personal estate. Properties upon which in-lieu-of-tax payments are made shall be likewise classified and assessed for the purposes of such payments.

* * *

§ 903. OATH OF OFFICE

All elective officials of the City shall, before assuming office, take, subscribe, and file with the City Clerk the following oath:

"I _____ solemnly swear or affirm, under penalty of law, that I will faithfully execute the Office of _____ of the City of Winooski to the best of my judgment and abilities, according to law, ~~so help me God or I so affirm.~~"

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

Pending the question, Shall the bill be amended as recommended by the Committee on Government Operations?, **Rep. Shaw of Pittsford** called for a roll call, which was sustained by the Constitutional number, then he withdrew his request for a roll call.

Thereupon, the bill was amended as recommended by the Committee on Government Operations.

Pending the question, Shall the bill be read a third time?, **Rep. Shaw of Pittsford** called for a roll call, which was sustained by the Constitutional number.

At eleven and thirty-one minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven and fifty-five minutes in the forenoon, the Speaker called the House to order.

Pending the question, Shall the bill be read a third time? **Rep. Copeland Hanzas of Bradford** moved that the bill be committed to the Committee on Education, which was agreed to.

Adjournment

At twelve and twenty minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

Wednesday, March 17, 2021

At one o'clock and fifteen minutes in the afternoon 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. 27

A message was received from the Senate by Mr. Marshall, 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. 19. Joint resolution relating to weekend adjournment.

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

The Governor has informed the Senate that on the thirteenth day of March, 2021, he approved and signed a bill originating in the Senate of the following title:

S. 14. An act relating to deed restrictions and housing density.

Joint Resolution Adopted in Concurrence**J.R.S. 19**

By Senator Balint,

J.R.S. 19. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 19, 2021, it be to meet again no later than Tuesday, March 23, 2021.

Was taken up, read, and adopted in concurrence.

Second Reading; Bill Amended; Third Reading Ordered**H. 87**

Rep. LaLonde of South Burlington, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to establishing a classification system for criminal offenses

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

Sec. 1. 13 V.S.A. chapter 2 is added to read:

CHAPTER 2. CLASSIFICATION OF CRIMINAL OFFENSES

§ 51. CLASSIFICATION OF OFFENSES

(a) All felonies shall be classified as follows: Class A, Class B, Class C, Class D, and Class E.

(b) All misdemeanors shall be classified as follows: Class A, Class B, Class C, Class D, and Class E.

(c) Except as otherwise provided by law, for all offenses the court may impose a sentence of imprisonment or a fine, or both.

§ 52. SENTENCES OF IMPRISONMENT

(a) The maximum term of imprisonment for a felony shall be as follows:

- (1) Class A: life imprisonment.
- (2) Class B: imprisonment for 20 years.
- (3) Class C: imprisonment for 10 years.
- (4) Class D: imprisonment for five years.
- (5) Class E: imprisonment for three years.

(b) The maximum term of imprisonment for a misdemeanor shall be as follows:

- (1) Class A: imprisonment for two years.
- (2) Class B: imprisonment for one year.
- (3) Class C: imprisonment for six months.
- (4) Class D: imprisonment for 30 days.
- (5) Class E: no term of imprisonment.

(c) The minimum term of imprisonment for a felony or a misdemeanor shall be as provided by law.

(d) Any statutory or mandatory minimum or maximum term of imprisonment for a felony or a misdemeanor shall be as provided by law.

§ 53. FINES

(a) Unless otherwise provided by law, the maximum fine for a felony shall be as follows:

- (1) Class A: \$100,000.00.
- (2) Class B: \$50,000.00.
- (3) Class C: \$25,000.00.
- (4) Class D: \$10,000.00.
- (5) Class E: \$7,500.00.

(b) Unless otherwise provided by law, the maximum fine for a misdemeanor shall be as follows:

(1) Class A: \$5,000.00.

(2) Class B: \$2,500.00.

(3) Class C: \$1,000.00.

(4) Class D: \$500.00.

(5) Class E: \$250.00.

(c) When determining the amount of a fine and the method of payment, the court shall consider, based on all financial information available to the court, including information provided by the offender:

(1) the defendant's present and future financial ability to pay the fine; and

(2) the nature of the financial burden that payment of the fine will impose on the defendant and any dependents of the defendant.

§ 54. TRANSITIONAL PROVISIONS

Unless otherwise provided by law, criminal offenses shall be classified according to each offense's statutory maximum penalty. Criminal offenses shall be classified as follows:

(1) Felonies.

(A) All felonies punishable by a maximum term of life imprisonment shall be Class A felonies.

(B) All felonies punishable by a maximum term of 20 years or more but less than life shall be Class B felonies.

(C) All felonies punishable by a maximum term of 10 years or more but less than 20 years shall be Class C felonies.

(D) All felonies punishable by a maximum term of five years or more but less than ten years shall be Class D felonies.

(E) All felonies punishable by a maximum term of less than five years shall be Class E felonies.

(2) Misdemeanors.

(A) All misdemeanors punishable by a maximum term of imprisonment of two years shall be Class A misdemeanors.

(B) All misdemeanors punishable by a maximum term of imprisonment of one year or more but less than two years shall be Class B misdemeanors.

(C) All misdemeanors punishable by a maximum term of imprisonment of six months or more but less than one year shall be Class C misdemeanors.

(D) All misdemeanors punishable by a maximum term of imprisonment of 30 days or more but less than six months shall be Class D misdemeanors.

(E) All misdemeanors punishable by a fine and no term of imprisonment or a maximum term of imprisonment of less than 30 days shall be Class E misdemeanors.

§ 55. CLASSIFICATION OF PROPERTY OFFENSES

All criminal property offenses to which this section applies shall be classified as follows:

(1) If the value of the property that is at issue in the offense is less than \$100.00, the offense shall be a Class D misdemeanor.

(2) If the value of the property that is at issue in the offense is less than \$1,000.00 and equal to or greater than \$100.00, the offense shall be a Class C misdemeanor.

(3) If the value of the property that is at issue in the offense is less than \$3,000.00 and equal to or greater than \$1,000.00, the offense shall be a Class A misdemeanor.

(4) If the value of the property that is at issue in the offense is less than \$100,000.00 and equal to or greater than \$3,000.00, the offense shall be a Class E felony.

(5) If the value of the property that is at issue in the offense is equal to or greater than \$100,000.00, the offense shall be a Class D felony.

Sec. 2. 13 V.S.A. § 9 is amended to read:

§ 9. ATTEMPTS

(a) A person who attempts to commit an offense and does an act toward the commission thereof, but by reason of being interrupted or prevented fails in the execution of the same, shall be punished as herein provided unless other express provision is made by law for the punishment of the attempt. If the offense attempted to be committed is murder, aggravated murder, kidnapping, arson causing death, human trafficking, aggravated human trafficking,

aggravated sexual assault, or sexual assault, a person shall be punished as the offense attempted to be committed is by law punishable.

(b) If the offense attempted to be committed is a felony other than those set forth in subsection (a) of this section, a person shall be punished by the less severe of the following punishments:

(1) ~~imprisonment for not more than 10 years or fined not more than \$10,000.00, or both as a Class C felony;~~ or

(2) as the offense attempted to be committed is by law punishable.

(c) If the offense attempted to be committed is a misdemeanor, a person shall be ~~imprisoned or fined, or both, in an amount not to exceed one-half the maximum penalty for which~~ subject to the punishment applicable to the misdemeanor that is one class level lower than the offense so attempted to be committed is by law punishable.

Sec. 3. 9 V.S.A. § 4043 is amended to read:

§ 4043. FRAUDULENT USE

(a) A person shall not with intent to defraud, obtain, or attempt to obtain money, property, services, or any other thing of value, by the use of a credit card which he or she knows, or reasonably shall have known, to have been stolen, forged, revoked, cancelled, unauthorized, or invalid for use by him or her for such purpose.

(b) A person who violates this section shall be sentenced pursuant to 13 V.S.A. §§ 52, 53, and 55.

Sec. 4. 9 V.S.A. § 4044 is amended to read:

§ 4044. ~~PENALTY~~

~~(a) A person who violates section 4043 of this title shall be fined not more than \$500.00 or be imprisoned not more than six months, or both, if the aggregate value of the money, property, services, or other things of value so obtained is \$50.00 or less.~~

~~(b) A person who violates section 4043 of this title shall be fined not more than \$1,000.00 or be imprisoned not more than one year, or both, if the aggregate value of the money, property, services, or other things of value so obtained exceeds \$50.00. [Repealed.]~~

Sec. 5. 13 V.S.A. § 1801 is amended to read:

§ 1801. FORGERY AND COUNTERFEITING OF PAPERS,
DOCUMENTS, ETC.

A person who wittingly, falsely, and deceitfully makes, alters, forges, or counterfeits, or wittingly, falsely, or deceitfully causes to be made, altered, forged, or counterfeited, or procures, aids, or counsels the making, altering, forging, or counterfeiting, of a writ, process, public record, or any certificate, return, or attestation of a clerk of a court, public register, notary public, justice, or other public officer, in relation to a matter wherein such certificate, return, or attestation may be received as legal proof, or a charter, deed, or any evidence or muniment of title to property, will, terminal care document, testament, bond, or writing obligatory, letter of attorney, policy of insurance, bill of lading, bill of exchange, promissory note, or an order drawn on a person or corporation, or on a State, county, or town or school district treasurer, for money or other property, or an acquittance or discharge for money or other property, or an acceptance of a bill of exchange, or indorsement or assignment of a bill of exchange or promissory note, for the payment of money, or any accountable receipt for money, goods, or other property, or certificate of stock, with intent to injure, or defraud a person, shall be ~~imprisoned not more than 10 years and fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 6. 13 V.S.A. § 1802 is amended to read:

§ 1802. UTTERING FORGED OR COUNTERFEITED INSTRUMENT

A person who utters and publishes as true a forged, altered, or counterfeited record, deed, instrument, or other writing mentioned in section 1801 of this title, knowing the same to be false, altered, forged, or counterfeited, with intent to injure or defraud a person, shall be ~~imprisoned not more than 10 years and fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 7. 13 V.S.A. § 1804 is amended to read:

§ 1804. COUNTERFEITING PAPER MONEY

A person who falsely makes, alters, forges, or counterfeits, or procures to be made, altered, forged, or counterfeited, or aids or assists in making, altering, forging, or counterfeiting, a note, or imitation of, or purporting to be a note issued by the United States, used as currency, or a bank bill or promissory note, or imitation of, or purporting to be a bank bill or promissory note, issued by a banking company incorporated by the Congress of the United States or by the legislature of a state of the United States or of another country, with intent to injure or defraud a person; and a person who utters, passes, or gives in payment, or offers to pass or give in payment, or procures to be offered, passed, or given in payment, or has in his or her possession with intent to offer, pass, or give in payment, such altered, forged, counterfeited, or

imitated note, bank bill, or promissory note, knowing the same to be altered, forged, counterfeited, or imitated, ~~shall be imprisoned not more than 14 years and fined not more than \$1,000.00, or both~~ commits a Class D felony.

Sec. 8. 13 V.S.A. § 1816 is amended to read:

§ 1816. POSSESSION OR USE OF CREDIT CARD SKIMMING DEVICES
AND RE-ENCODERS

(a) A person who knowingly, wittingly, and with the intent to defraud possesses a scanning device, or who knowingly, wittingly, and with intent to defraud uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the computer chip or magnetic strip of a payment card without the permission of the authorized user of the payment card ~~shall be imprisoned not more than 10 years or fined not more than \$10,000.00, or both~~ commits a Class C felony.

(b) A person who knowingly, wittingly, and with the intent to defraud possesses a re-encoder, or who knowingly, wittingly, and with the intent to defraud uses a re-encoder to place encoded information on the computer chip or magnetic strip or stripe of a payment card or any electronic medium that allows an authorized transaction to occur without the permission of the authorized user of the payment card from which the information is being re-encoded ~~shall be imprisoned not more than 10 years or fined not more than \$10,000.00, or both~~ commits a Class C felony.

* * *

Sec. 9. 13 V.S.A. § 2001 is amended to read:

§ 2001. FALSE PERSONATION

A person who falsely personates or represents another, and in such assumed character receives money or other property intended to be delivered to the party so personated, with intent to convert the same to the person's own use, ~~shall be imprisoned not more than 10 years or fined not more than \$2,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 10. 13 V.S.A. § 2002 is amended to read:

§ 2002. FALSE PRETENSES OR TOKENS

A person who designedly by false pretenses or by privy or false token and with intent to defraud, obtains from another person money or other property, or a release or discharge of a debt or obligation, or the signature of a person to a written instrument, the false making whereof would be punishable as forgery, ~~shall be imprisoned not more than 10 years or fined not more than \$2,000.00, or both, if the money or property so obtained exceeds \$900.00 in value. A~~

~~person who violates this section shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both, if the money or property obtained in violation of this section is valued at \$900.00 or less sentenced pursuant to sections 52, 53, and 55 of this title.~~

Sec. 11. 13 V.S.A. § 2029 is amended to read:

§ 2029. HOME IMPROVEMENT FRAUD

* * *

~~(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~~ commits a Class A misdemeanor.

~~(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~~ commits a Class E felony.

~~(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,~~ commits a Class E felony 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~~ commits a Class D felony.

~~(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~~ commits a Class A misdemeanor.

* * *

Sec. 12. 13 V.S.A. § 2030 is amended to read:

§ 2030. IDENTITY THEFT

* * *

~~(f) A person who violates this section shall be imprisoned for not more than three years or fined not more \$5,000.00, or both~~ commits a Class E felony. A person who is convicted of a second or subsequent violation of this section involving a separate scheme shall be imprisoned for not more than 10 years or fined not more than \$10,000.00, or both commits a Class C felony.

Sec. 13. 13 V.S.A. § 2031 is amended to read:

* * *

(c) Penalties. A person who violates subsection (b) of this section shall:

~~(1) if the benefit wrongfully obtained or the loss suffered by any person as a result of the violation has a value of less than \$900.00, be imprisoned for not more than six months or fined not more than \$5,000.00, or both; or~~

~~(2) if the benefit wrongfully obtained or the loss suffered by any person as a result of the violation has a value of more than \$900.00, be imprisoned for not more than five years or fined not more than \$10,000.00, or both; or~~

~~(3) for a second or subsequent offense, regardless of the value of the benefit wrongfully obtained, be imprisoned not more than five years or fined not more than \$20,000.00, or both be sentenced pursuant to sections 52, 53, and 55 of this title.~~

* * *

Sec. 14. 13 V.S.A. § 2501 is amended to read:

§ 2501. GRAND AND PETIT LARCENY

A person who steals from the actual or constructive possession of another, other than from his or her 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~~ sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 15. 13 V.S.A. § 2502 is amended to read:

§ 2502. PETIT LARCENY

~~For offenses mentioned in section 2501 of this title where the money or other property stolen does not exceed \$900.00 in value, the court may sentence the person convicted to imprisonment for not more than one year or to pay a fine of not more than \$1,000.00, or both. [Repealed.]~~

Sec. 16. 13 V.S.A. § 2503 is amended to read:

§ 2503. LARCENY FROM THE PERSON

A person who steals or attempts to steal from the person and custody of another, property, the subject of larceny, ~~shall be imprisoned not more than 10 years or fined not more than \$500.00, or both~~ commits a Class C felony.

Sec. 17. 13 V.S.A. § 2531 is amended to read:

§ 2531. EMBEZZLEMENT GENERALLY

(a) An officer, agent, bailee for hire, clerk, or servant of a banking association or an incorporated company, or a clerk, agent, bailee for hire, officer, or servant of a private person, partnership, trades union, joint stock company, unincorporated association, fraternal or benevolent association, except apprentices and other persons under ~~the age of~~ 16 years of age, who embezzles or fraudulently converts to his or her own use, or takes or secretes with intent to embezzle or fraudulently convert to his or her own use, money or other property that comes into his or her possession or is under his or her care by virtue of such employment, notwithstanding he or she may have an interest in such money or property, shall be guilty of embezzlement and sentenced pursuant to sections 52, 53, and 55 of this title.

~~(b) If the money or property embezzled does not exceed \$100.00 in value, the person shall be imprisoned not more than one year or fined not more than \$1,000.00, or both. If the money or property embezzled exceeds \$100.00 in value, the person shall be imprisoned not more than 10 years or fined not more than \$10,000.00, or both.~~

Sec. 18. 13 V.S.A. § 2532 is amended to read:

§ 2532. OFFICER OR SERVANT OF INCORPORATED BANK

A cashier or other officer, agent, or servant of an incorporated bank who embezzles or fraudulently converts to his or her own use bullion, money, notes, bills, obligations, or securities or other effects or property belonging to and in the possession of such bank or belonging to any person and deposited therein, shall be guilty of larceny and ~~shall be imprisoned not more than 10 years or fined not more than \$1,000.00, or both~~ commits a Class D felony.

Sec. 19. 13 V.S.A. § 2533 is amended to read:

§ 2533. RECEIVER OR TRUSTEE

A receiver or trustee appointed by the court in any litigation in this State, who embezzles or fraudulently converts to his or her own use any money or other property in his or her hands as such receiver or trustee, shall be guilty of larceny and ~~shall be imprisoned not more than 10 years or fined not more than \$1,000.00, or both~~ commits a Class D felony.

Sec. 20. 13 V.S.A. § 2537 is amended to read:

§ 2537. PERSON HOLDING PROPERTY IN OFFICIAL CAPACITY OR
BELONGING TO THE STATE OR A MUNICIPALITY

A State, county, town, or municipal officer or other person who in his or her official capacity receives, collects, controls, or holds money, obligations, securities, or other property, who embezzles or fraudulently converts to his or her own use any of such money, obligations, securities, or other property, or a person who embezzles or fraudulently converts to his or her own use money or other property belonging to the State or to a county or municipality, or a municipal corporation, or a special purpose district, shall be guilty of larceny and shall be ~~imprisoned not more than 10 years or fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 21. 13 V.S.A. § 2561 is amended to read:

§ 2561. PENALTY FOR RECEIVING STOLEN PROPERTY; VENUE

(a) A person who is a dealer in property who buys, receives, sells, possesses unless with the intent to restore to the owner, or aids in the concealment of property, knowing or believing the property to be stolen, shall be ~~punished the same as for the stealing of such property~~ sentenced pursuant to sections 52, 53, and 55 of this title.

(b) A person who buys, receives, sells, possesses unless with the intent to restore to the owner, or aids in the concealment of stolen property, knowing the same to be stolen, shall be ~~punished the same as for the stealing of such property~~ sentenced pursuant to sections 52, 53, and 55 of this title.

* * *

Sec. 22. 13 V.S.A. § 2575a is added to read:

§ 2575a. ORGANIZED RETAIL THEFT

(a) A person commits the offense of organized retail theft when he or she commits the offense of retail theft pursuant to section 2575 of this title and acts in concert with one or more persons on one or more occasions within a period of 180 days.

(b) A person who violates subsection (a) of this section shall be sentenced pursuant to sections 52, 53, and 55 of this title. The aggregate retail value of the merchandise obtained shall be used to determine the classification of the offense under section 55 of this title.

Sec. 23. 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.~~

~~(c) Notwithstanding the provisions of subsections (a) and (b) of this section, a person convicted of retail theft pursuant to:~~

~~(1) Subdivision 2575(4) of this title shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.~~

~~(2) Subdivision 2575(5), (6), or (7) of this title shall be imprisoned for not more than 10 years or fined not more than \$5,000.00, or both shall be sentenced pursuant to sections 52, 53, and 55 of this title.~~

Sec. 24. 13 V.S.A. § 2582 is amended to read:

§ 2582. THEFT OF SERVICES

(a) A person who purposely obtains services that he or she knows are available only for compensation, by deception or threat, or by false token or other means to avoid payment for the service shall ~~if the services exceed \$900.00 in value be imprisoned for not more than 10 years or fined not more than \$5,000.00, or both. Otherwise, a person who violates a provision of this subsection shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both~~ be sentenced pursuant to sections 52, 53, and 55 of this title. Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels, restaurants, and transportation, refusal to pay or absconding without payment or offer to pay gives rise to a rebuttable presumption that the service was obtained by deception as to intention to pay.

(b) A person who, having control over the disposition of services of others, to which he or she is not entitled, knowingly diverts such services to the person's own benefit or to the benefit of another not entitled thereto shall ~~if the services exceed \$900.00 in value be imprisoned for not more than 10 years or fined not more than \$5,000.00, or both. Otherwise a person who violates a provision of this subsection shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both~~ be sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 25. 13 V.S.A. § 2591 is amended to read:

§ 2591. THEFT OF RENTED PROPERTY

(a) A person who converts to his or her own use any personal property, other than a motor vehicle leased or rented pursuant to a written agreement that has been entrusted to the person under an agreement in writing that provides for the delivery of that personal property to a particular person or place or at a particular time, abandons it, or refuses or neglects to deliver it to the person or place and at the time specified in the written agreement, or who destroys, secretes, appropriates, converts, sells, or attempts to sell all or any part of it, or who removes or permits or causes it to be removed from this State, without the consent of its owner, shall be:

~~(1) if the value of the property involved is \$900.00 or less, imprisoned not more than six months or fined not more than \$500.00, or both; for a first offense, sentenced pursuant to sections 52, 53, and 55 of this title, provided that the sentence shall not exceed the penalty for a Class C misdemeanor; or~~

~~(2) if the property involved exceeds \$900.00 in value:~~

~~(A) imprisoned for not more than two years or fined not more than \$1,000.00, or both; or~~

~~(B) imprisoned for not more than five years or fined not more than \$5,000.00 if the person has been previously convicted of a violation of this subdivision (a)(2) of this section for a second or subsequent offense, sentenced pursuant to sections 52, 53, and 55 of this title, provided that the sentence shall not exceed the penalty for a Class D felony.~~

* * *

Sec. 26. 13 V.S.A. § 2592 is amended to read:

§ 2592. FAILURE TO RETURN A RENTED OR LEASED MOTOR
VEHICLE

* * *

~~(b) A person who violates this section shall be imprisoned for not more than three years or fined not more than \$3,000.00, or both commits a Class E felony. If the person has been previously convicted of a violation of this section, the person shall be imprisoned not more than five years or fined not more than \$5,000.00, or both commits a Class D felony.~~

Sec. 27. 13 V.S.A. § 3016 is amended to read:

§ 3016. FALSE CLAIM

* * *

~~(b) A person who violates this section shall, if the prohibited act results in no loss to a governmental entity or benefit to the person or results in a loss to a~~

~~governmental entity or benefit to the person of less than \$500.00 in value, be imprisoned not more than two years or fined not more than \$5,000.00, or both. A person who violates this section shall, if the prohibited act results in a loss to any governmental entity or a benefit to the person of \$500.00 or more in value, whether by a single act or by a common scheme or course of conduct involving one or more transactions, be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ be sentenced pursuant to sections 52, 53, and 55 of this title.

* * *

Sec. 28. 13 V.S.A. § 3606a is amended to read:

§ 3606a. TRESPASS; CRIMINAL PENALTY

(a) No person shall knowingly or recklessly:

(1) cut down, fell, destroy, remove, injure, damage, or carry away any timber or forest product placed or growing for any use or purpose whatsoever, or timber or forest product lying or growing belonging to another person, without permission from the owner of the timber or forest product; or

(2) deface the mark of a log, forest product, or other valuable timber in a river or other place.

(b) Any person who violates subsection (a) of this section shall:

(1) for a first offense, ~~be imprisoned not more than one year or fined not more than \$20,000.00, or both~~ commits a Class B misdemeanor; or

(2) for a second or subsequent offense, ~~be imprisoned not more than two years or fined not more than \$50,000.00, or both~~ commits a Class A misdemeanor.

Sec. 29. 13 V.S.A. § 3701 is amended to read:

§ 3701. UNLAWFUL MISCHIEF

(a) A person who, with intent to damage property, and having no right to do so or any reasonable ground to believe that he or she has such a right, does any damage to any property ~~which is valued in an amount exceeding \$1,000.00 shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both~~ shall be sentenced pursuant to sections 52, 53, and 55 of this title.

(b) ~~A person who, with intent to damage property, and having no right to do so or any reasonable ground to believe that he or she has such a right, does any damage to any property which is valued in an amount exceeding \$250.00~~

~~shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both.~~

~~(e) A person who, having no right to do so or any reasonable ground to believe that he or she has such a right, intentionally does any damage to property of any value not exceeding \$250.00 shall be imprisoned for not more than six months or fined not more than \$500.00, or both.~~

~~(d) A person who, with intent to damage property, and having no right to do so or any reasonable ground to believe that he or she has such a right, does any damage to any property by means of an explosive shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both commits a Class D felony.~~

~~(e)(c) For the purposes of As used in this section "property" means real or personal property.~~

~~(f)(d) A person who suffers damages as a result of a violation of this section may recover those damages together with reasonable attorney's fees in a civil action under this section.~~

Sec. 30. 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, commits a Class D misdemeanor if, without legal authority or the consent of the person in lawful possession, he or she 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 agent or by a law enforcement officer acting on behalf of such person or his or her 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.~~

* * *

~~(c) 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 commits a Class B misdemeanor.

(d) A person who enters a dwelling house, whether or not a person is actually present, knowing that he or she 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 commits a Class E felony.

* * *

Sec. 31. 13 V.S.A. § 3732 is amended to read:

§ 3732. UNAUTHORIZED REMOVAL OF BOOKS FROM LIBRARY

A person who removes from a free public library, or a free town, village, or traveling library, a book, paper, magazine, document, or other reading matter, or an art book, picture, print, plate, or other art work, kept in such library for public use or circulation, without the consent of the librarian or other person in charge of such library, shall be fined not more than \$50.00 for each offense, half to the use of commits a Class E misdemeanor. One-half of the criminal fine shall be paid to the library from which the same was so removed, and the other half to the use of one-half shall be paid to the treasury liable for the costs of prosecution.

Sec. 32. 13 V.S.A. § 3733 is amended to read:

§ 3733. MILLS, DAMS OR BRIDGES

A person who willfully and maliciously injures, removes, or opens a dam, reservoir, gate, or flume; or injures or removes the wheels, mill gear, or machinery of a water mill; or injures, removes, or destroys a public or toll bridge, shall be imprisoned not more than five years or fined not more than \$500.00, or both commits a Class D felony.

Sec. 33. 13 V.S.A. § 3738 is amended to read:

§ 3738. OBSTRUCTION AND USE OF PRIVATE ROADS AND LANDS
BY MOTOR VEHICLE

(a) A person ~~who~~ shall not, without the permission of the owner or occupant and by use of a motor vehicle as defined in 23 V.S.A. § 4:

- (1) ~~obstructs~~ obstruct a private driveway, barway, or gateway; or
- (2) ~~travels~~ travel over a private road that is so marked, or ~~travels~~ travel over other private lands; or
- (3) ~~enters~~ enter on private lands for the purpose of camping; ~~without the permission of the owner or occupant shall be fined not more than \$500.00.~~

(b) A person who violates this section commits a Class E misdemeanor.

Sec. 34. 13 V.S.A. § 3739 is amended to read:

§ 3739. OPERATION OF VEHICLES ON STATE OWNED LAND

(a) A person ~~who operates~~ shall not operate a motor vehicle, as defined in 23 V.S.A. § 4, on any land that is owned or held by the State:

(1) except in places or on trails specifically designated and marked by the Secretary of Natural Resources; or

(2) contrary to any rule governing the use of the place or trail ~~shall be fined not more than \$500.00.~~

(3) For the purposes of this section “land owned or held by the State” does not include a highway as defined in 23 V.S.A. § 4.

* * *

(c) A person who violates this section commits a Class E misdemeanor.

Sec. 35. 13 V.S.A. § 3740 is amended to read:

§ 3740. DAMAGE TO STATE LAND

A person who operates a motor vehicle, as defined in 23 V.S.A. § 4, on any land, that is owned or held by the State, in such a manner as to purposely and maliciously cause injury, damage, erosion, or waste to the land ~~shall be fined not more than \$500.00~~ commits a Class E misdemeanor. For the purposes of this section “land” does not include a highway as defined in 23 V.S.A. § 4.

Sec. 36. 13 V.S.A. § 3761 is amended to read:

§ 3761. UNAUTHORIZED REMOVAL OF HUMAN REMAINS

A person who, not being authorized by law, intentionally excavates, disinters, removes, or carries away a human body, or the remains thereof, interred or entombed in this State or intentionally excavates, disinters, removes, or carries away an object interred or entombed with a human body in this State, or knowingly aids in such excavation, disinterment, removal, or carrying away, or is accessory thereto, ~~shall be imprisoned not more than 15 years or fined not more than \$10,000.00, or both~~ commits a Class C felony.

Sec. 37. 13 V.S.A. § 3767 is amended to read:

§ 3767. PENALTIES

(a) A person who violates a provision of sections 3764–3766 of this title shall, except as provided in subsection (b) of this section, ~~be imprisoned not more than five years or fined not more than \$5,000.00, or both~~ commits a Class D felony.

(b) A person who violates subsection 3766(c) of this title ~~shall be imprisoned not more than one year or fined not more than \$500.00, or both~~ commits a Class B misdemeanor.

Sec. 38. 13 V.S.A. § 3771 is amended to read:

§ 3771. DISTURBING A FUNERAL SERVICE

* * *

(b) No person shall disturb or attempt to disturb a funeral service by engaging in picketing within 100 feet of the service within one hour prior to and two hours following the publicly announced time of the commencement of the service.

(c) A person who violates this section ~~shall be imprisoned not more than 30 days or fined not more than \$500.00, or both~~ commits a Class D misdemeanor.

Sec. 39. 13 V.S.A. § 3781 is amended to read:

§ 3781. TAPPING GAS PIPES WITH INTENT TO DEFRAUD

A person who taps gas pipes with intent to take gas therefrom, or who connects pipes with such gas pipes so that gas may be used without passing through the meters for measurement, or who knowingly burns gas without measurement by gas meters, without the consent of the owner, ~~shall be imprisoned not more than one year or fined not more than \$100.00, or both~~ commits a Class B misdemeanor. The owner of the gas may recover of the person so unlawfully tapping or connecting such pipes or using gas, the actual damages, with costs, in a civil action on this statute.

Sec. 40. 13 V.S.A. § 3782 is amended to read:

§ 3782. TAPPING ELECTRIC LINES; INJURIES TO ELECTRIC PLANTS

A person who willfully commits or causes to be committed an act with intent to injure a machine, apparatus, or structure appertaining to the works of a person, firm, association, or corporation engaged in manufacturing, selling, or distributing electrical energy in this State, or whereby such works may be stopped, obstructed, or injured, or who taps an electrical line of a person, firm, association, or corporation so that electricity can be taken therefrom, or knowingly uses electricity taken from such line without the consent of such person, firm, association, or corporation, ~~shall be imprisoned not more than two years or fined not more than \$300.00, or both~~ commits a Class A misdemeanor. Such person shall also be liable to such person, firm, association, or corporation or to anyone injured for actual damages, with full costs, in a civil action on this statute.

Sec. 41. 13 V.S.A. § 3784 is amended to read:

§ 3784. INTERFERING WITH METERS

A person, other than an authorized agent or employee acting for the owner, manufacturer, or operator thereof, who maliciously opens, closes, breaks into, or in any manner adjusts or interferes with a meter, or other regulating or measuring device or appliance attached to or connected with wires, pipe lines, mains, service pipes, or house pipes owned or used by a manufacturer or furnisher of electricity, gas, or water ~~shall be imprisoned not more than three months or fined not more than \$100.00, or both~~ commits a Class D misdemeanor.

Sec. 42. 13 V.S.A. § 3785 is amended to read:

§ 3785. INJURING LIGHTS IN STREETS AND PUBLIC BUILDINGS

A person who willfully and maliciously breaks the glass about a street lamp or gaslight, or a lamp or gaslight in the grounds about a public building, or, without authority, lights such a lamp or gaslight or extinguishes the same when lighted, or in any manner interferes therewith, or injures any part of the fixtures supporting such lamp or gaslight, or defaces the same by painting or posting notices thereon, or fastens a horse or animal thereto, ~~shall be imprisoned not more than three months or fined not more than \$50.00, or both~~ commits a Class D misdemeanor.

Sec. 43. 13 V.S.A. § 3786 is amended to read:

§ 3786. TAPPING CABLE TELEVISION SYSTEMS; DAMAGE TO EQUIPMENT

A person who willfully or maliciously damages, or causes to be damaged, any wire, cable, conduit, apparatus, or equipment of a company operating a cable television system, as defined in 30 V.S.A. § 501, or who commits any act with intent to cause damage to any wire, cable, conduit, apparatus, or equipment of a company operating such a system, or who taps, tampers with, or connects any wire or device to the equipment of the cable television company that would degrade the service rendered without authorization of the company ~~may be fined not more than \$100.00~~ commits a Class E misdemeanor and shall be liable in a civil action for three times the actual amount of damages sustained thereby.

Sec. 44. 13 V.S.A. § 3831 is amended to read:

§ 3831. CUTTING ICE AND NOT FENCING HOLE

A person who takes ice from water over which people are accustomed to pass and does not place around the opening thereby made in the ice suitable

guards to prevent a person, team, or vehicle from falling into such hole or opening ~~shall be fined not more than \$50.00~~ commits a Class E misdemeanor.

Sec. 45. 13 V.S.A. § 3833 is amended to read:

§ 3833. UNLAWFUL TAKING OF TANGIBLE PERSONAL PROPERTY;
PENALTY

A person who, without the consent of the owner, takes and carries away or causes to be taken and carried away any tangible personal property with the intent of depriving the owner temporarily of the lawful possession of his or her property ~~shall be fined not more than \$100.00~~ commits a Class E misdemeanor. This section shall not be construed to limit or restrict prosecutions for larceny or theft.

Sec. 46. 13 V.S.A. § 3834 is amended to read:

§ 3834. REMOVAL OF SURVEYING MONUMENTS

A person who knowingly removes or alters monuments marking the boundary of lands or knowingly defaces, alters, or removes marks upon any tree, post, or stake that is a monument designating a point, course, or line in the boundary of a parcel of land ~~shall be fined \$100.00~~ commits a Class E misdemeanor and shall be civilly liable for the replacement cost and any consequential damages. However, land surveyors in their professional practice may perpetuate such monumentation by adding additional marks, or by remonumenting nonsubstantial monuments or by the placing of new monuments to preserve monuments to be destroyed or made inaccessible.

Sec. 47. 13 V.S.A. § 4102 is amended to read:

§ 4102. UNAUTHORIZED ACCESS

A person who knowingly and intentionally and without lawful authority, accesses any computer, computer system, computer network, computer software, computer program, or data contained in such computer, computer system, computer program, or computer network ~~shall be imprisoned not more than six months or fined not more than \$500.00, or both~~ commits a Class C misdemeanor.

Sec. 48. 13 V.S.A. § 4103 is amended to read:

§ 4103. ACCESS TO COMPUTER FOR FRAUDULENT PURPOSES

* * *

(b) Penalties. A person convicted of the crime of access to computer for fraudulent purposes shall be:

~~(1) if the value of the matter involved does not exceed \$500.00, imprisoned not more than one year or fined not more than \$500.00, or both;~~

~~(2) if the value of the matter involved does not exceed \$500.00, for a second or subsequent offense, imprisoned not more than two years or fined not more than \$1,000.00, or both; or~~

~~(3) if the value of the matter involved exceeds \$500.00, imprisoned not more than 10 years or fined not more than \$10,000.00, or both sentenced pursuant to sections 52, 53, and 55 of this title.~~

Sec. 49. 13 V.S.A. § 4104 is amended to read:

§ 4104. ALTERATION, DAMAGE, OR INTERFERENCE

(a) A person shall not intentionally and without lawful authority, alter, damage, or interfere with the operation of any computer, computer system, computer network, computer software, computer program, or data contained in such computer, computer system, computer program, or computer network.

(b) Penalties. A person convicted of violating this section shall be:

~~(1) if the damage or loss does not exceed \$500.00 for a first offense, imprisoned not more than one year or fined not more than \$5,000.00, or both;~~

~~(2) if the damage or loss does not exceed \$500.00 for a second or subsequent offense, imprisoned not more than two years or fined not more than \$10,000.00, or both; or~~

~~(3) if the damage or loss exceeds \$500.00, imprisoned not more than 10 years or fined not more than \$25,000.00, or both sentenced pursuant to sections 52, 53, and 55 of this title.~~

Sec. 50. 13 V.S.A. § 4105 is amended to read:

§ 4105. THEFT OR DESTRUCTION

(a)(1) A person shall not intentionally and without claim of right deprive the owner of possession, take, transfer, copy, conceal, or retain possession of, or intentionally and without lawful authority, destroy any computer system, computer network, computer software, computer program, or data contained in such computer, computer system, computer program, or computer network.

(2) Copying a commercially available computer program or computer software is not a crime under this section, provided that the computer program and computer software has a retail value of \$500.00 or less and is not copied for resale.

(b) Penalties. A person convicted of violating this section shall be:

~~(1) if the damage or loss does not exceed \$500.00 for a first offense, imprisoned not more than one year or fined not more than \$5,000.00, or both;~~

~~(2) if the damage or loss does not exceed \$500.00 for a second or subsequent offense, imprisoned not more than two years or fined not more than \$10,000.00, or both; or~~

~~(3) if the damage or loss exceeds \$500.00, imprisoned not more than 10 years or fined not more than \$25,000.00, or both sentenced pursuant to sections 52, 53, and 55 of this title.~~

Sec. 51. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, the report of the Committee on Judiciary 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. 10

House bill, entitled

An act relating to permitted candidate expenditures

H. 46

House bill, entitled

An act relating to miscellaneous provisions of mental health law

H. 104

House bill, entitled

An act relating to allowing certain licensed out-of-state mental health professionals to treat Vermont patients using telemedicine

H. 149

House bill, entitled

An act relating to modernizing statutes related to the Vermont National Guard

Bill Amended; Read Third Time; Bill Passed**H. 337**

House bill, entitled

An act relating to the printing and distribution of State publications

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill in Sec. 6, 22 V.S.A. § 611, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Upon request, the State Librarian shall give:

(1) one copy of the Vermont Statutes Annotated and any cumulative pocket part supplements to a bar association, university, college, or public library that is located in Vermont; or

(2) one copy of the Acts and Resolves or the Vermont Statutes Annotated and any cumulative pocket part supplements to a member of the General Assembly.

Which was agreed to.

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

In Sec. 6, 22 V.S.A. § 611, in subsection (d), immediately following the words “may be sold to parties identified in this” by striking out the word “subsection” and inserting in lieu thereof the word “section”

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed**H. 366**

House bill, entitled

An act relating to 2021 technical corrections

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

Committee Bill; Second Reading; Third Reading Ordered**H. 428**

Rep. Christie of Hartford spoke for the Committee on Judiciary.

House bill, entitled

An act relating to hate-motivated crimes and misconduct

Having appeared on the Calendar for Notice and appearing on the Calendar for Action, was taken up, read the second time, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 145

Rep. LaLonde of South Burlington, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to amending the standards for law enforcement use of force

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

Sec. 1. 20 V.S.A. § 2368 is added to read:

§ 2368. STANDARDS FOR LAW ENFORCEMENT USE OF FORCE

(a) Definitions. As used in this section:

(1) “Chokehold” means the use of any maneuver on a person that employs a lateral vascular neck restraint, carotid restraint, or other action that applies any pressure to the throat, windpipe, or neck in a manner that limits the person’s breathing or blood flow.

(2) “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury.

(3) “Force” means the physical coercion employed by a law enforcement officer to compel a person’s compliance with the officer’s instructions.

(4) “Imminent threat of death or serious bodily injury” means when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the law enforcement officer or another person. An imminent threat is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be immediately addressed and confronted.

(5) “Law enforcement officer” has the same meaning as in 20 V.S.A. § 2351a.

(6) “Totality of the circumstances” means the conduct and decisions of the law enforcement officer leading up to the use of force and all facts known

to the law enforcement officer at the time, including the conduct of the person or persons involved.

(b) Use of force.

(1) Whether the decision by a law enforcement officer to use force was objectively reasonable shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances. A law enforcement officer's failure to use feasible and reasonable alternatives to force shall be a consideration for whether its use was objectively reasonable.

(2) A law enforcement officer shall use only the force objectively reasonable, necessary, and proportional to effect an arrest, to prevent escape, or to overcome resistance of a person the officer has reasonable cause to believe has committed a crime or to achieve any other lawful law enforcement objective.

(3) The authority of law enforcement to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. Every person has a right to be free from excessive use of force by officers acting under authority of the State.

(4) The decision by a law enforcement officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by law enforcement officers, in order to ensure that officers use force consistent with law and with agency policies.

(5) When a law enforcement officer knows that a subject's conduct is the result of a medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug or alcohol impairment, or other factor beyond the subject's control, the officer shall take that information into account in determining the amount of force appropriate to use on the subject, if any.

(6) A law enforcement officer who makes or attempts to make an arrest need not retreat or desist from his or her efforts by reason of the resistance or threatened resistance of the person being arrested. A law enforcement officer shall not be deemed an aggressor or lose the right to self-defense by the use of proportional force if necessary in compliance with subdivision (2) of this subsection to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, "retreat" does not mean tactical repositioning or other de-escalation tactics.

(7) A law enforcement officer has a duty to intervene when the officer observes another officer using a chokehold on a person.

(c) Use of deadly force.

(1) A law enforcement officer is justified in using deadly force upon another person only when, based on the totality of the circumstances, such force is objectively reasonable and necessary to:

(A) defend against an imminent threat of death or serious bodily injury to the officer or to another person; or

(B) apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

(2) The use of deadly force is necessary when, given the totality of the circumstances, an objectively reasonable law enforcement officer in the same situation would conclude that there was no reasonable alternative to the use of deadly force that would prevent death or serious bodily injury to the officer or to another person.

(3) A law enforcement officer shall cease the use of deadly force as soon as the subject is under the officer's control or no longer poses an imminent threat of death or serious bodily injury to the officer or to another person.

(4) A law enforcement officer shall not use deadly force against a person based on the danger that person poses to himself or herself if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the law enforcement officer or to another person.

(5) When feasible, a law enforcement officer shall, prior to the use of force, make reasonable efforts to identify himself or herself as a law enforcement officer and to warn that deadly force may be used.

(6) A law enforcement officer shall not use a chokehold on a person unless deadly force is justified pursuant to subdivisions (1)–(4) of this subsection.

Sec. 2. 13 V.S.A. § 1032 is amended to read:

§ 1032. LAW ENFORCEMENT USE OF ~~PROHIBITED RESTRAINT~~

CHOKEHOLDS

(a) As used in this section:

(1) “Law enforcement officer” ~~shall have~~ has the same meaning as in 20 V.S.A. § 2351a.

(2) ~~“Prohibited restraint” means the use of any maneuver on a person that applies pressure to the neck, throat, windpipe, or carotid artery that may prevent or hinder breathing, reduce intake of air, or impede the flow of blood or oxygen to the brain~~ “Chokehold” means the use of any maneuver on a person that employs a lateral vascular neck restraint, carotid restraint, or other action that applies any pressure to the throat, windpipe, or neck in a manner that limits the person’s breathing or blood flow.

(3) ~~“Serious bodily injury” shall have~~ has the same meaning as in section 1021 of this title.

(b) A law enforcement officer acting in the officer’s capacity as law enforcement who employs a ~~prohibited restraint~~ chokehold on a person that causes serious bodily injury to or death of the person shall be imprisoned for not more than 20 years or fined not more than \$50,000.00, or both.

Sec. 3. 20 V.S.A. § 2358(g) is amended to read:

(g) The Council shall not offer or approve any training on the use of a ~~prohibited restraint~~ chokehold as defined in section 2401 of this chapter, except for training designed to identify and prevent the use of ~~prohibited restraints~~ chokeholds.

Sec. 4. 13 V.S.A. § 2305 is amended to read:

§ 2305. JUSTIFIABLE HOMICIDE

If a person kills or wounds another under any of the circumstances enumerated below, he or she shall be guiltless:

(1) in the just and necessary defense of ~~his or her~~ the person’s own life or the life of ~~his or her husband, wife~~ the person’s spouse, parent, child, brother, sister, master, mistress, servant sibling, guardian, or ward; or

(2) in the forceful or violent suppression of a person attempting to commit murder, sexual assault, aggravated sexual assault, burglary, or robbery, ~~with force or violence~~; or

(3) in the case of a ~~civil officer; or a military officer or private soldier when lawfully called out to suppress riot or rebellion, or to prevent or suppress invasion, or to assist in serving legal process, in suppressing opposition against him or her in the just and necessary discharge of his or her duty~~ law enforcement officer as defined in 20 V.S.A. § 2351(a) using force in compliance with 20 V.S.A. § 2368(b)(1), (2), and (5) or deadly force in compliance with 20 V.S.A. § 2368(c)(1)–(4) and (6).

Sec. 5. 20 V.S.A. § 2401 is amended to read:

§ 2401. DEFINITIONS

As used in this subchapter:

* * *

(2) “Category B conduct” means gross professional misconduct amounting to actions on duty or under authority of the State, or both, that involve willful failure to comply with a State-required policy or substantial deviation from professional conduct as defined by the law enforcement agency’s policy or if not defined by the agency’s policy, then as defined by Council policy, and shall include:

(A) sexual harassment involving physical contact or misuse of position;

(B) misuse of official position for personal or economic gain;

(C) excessive use of force under authority of the State, first offense;

(D) biased enforcement;

(E) use of electronic criminal records database for personal, political, or economic gain;

(F) placing a person in a ~~prohibited restraint~~ chokehold;

(G) failing to intervene and report to a supervisor when the officer observes another officer placing a person in a ~~prohibited restraint~~ chokehold or using excessive force.

* * *

(7) ~~“Prohibited restraint” means the use of any maneuver on a person that applies pressure to the neck, throat, windpipe, or carotid artery that may prevent or hinder breathing, reduce intake of air, or impede the flow of blood or oxygen to the brain~~ “Chokehold” means the use of any maneuver on a person that employs a lateral vascular neck restraint, carotid restraint, or other action that applies any pressure to the throat, windpipe, or neck in a manner that limits the person’s breathing or blood flow.

Sec. 6. 20 V.S.A. § 2407 is amended to read:

§ 2407. LIMITATION ON COUNCIL SANCTIONS; FIRST OFFENSE OF
CATEGORY B CONDUCT

(a) Category B conduct; first offense. If a law enforcement agency conducts a valid investigation of a complaint alleging that a law enforcement officer committed a first offense of Category B conduct, the Council shall take

no action, except that the Council may take action for a first offense under subdivision 2401(2)(C) (excessive use of force under authority of the State), 2401(2)(F) (placing a person in a ~~prohibited restraint~~ chokehold), or 2401(2)(G) (failing to intervene and report to a supervisor when an officer observes another officer placing a person in a ~~prohibited restraint~~ chokehold or using excessive force) of this chapter.

* * *

Sec. 7. 2020 Acts and Resolves No. 165, Sec. 5 is amended to read:

Sec. 5. EFFECTIVE DATES

(a) Sec. 1 (standards for law enforcement use of force) ~~and Sec. 2 (justifiable homicide)~~ shall take effect on July 1, 2021.

(b) Sec. 2 (justifiable homicide) shall take effect on September 1, 2021.

(c) The remainder of this act shall take effect on passage.

Sec. 8. REPEAL

2020 Acts and Resolves No. 165, Sec. 1 (standards for law enforcement use of force) is repealed.

Sec. 9. EFFECTIVE DATES

(a) This section and Sec. 8 (repeal) shall take effect on July 1, 2021.

(b) The remainder of this act shall take effect on September 1, 2021.

Having appeared on the Calendar for Notice, was taken up and read the second time.

Rep. LaLonde of South Burlington moved to amend the report of the Committee on Judiciary as follows:

First: In Sec. 2, 13 V.S.A. § 1032, in subsection (b), after the words “on a person” by adding “in violation of 20 V.S.A. § 2368(c)(6)”

Second: By striking out Secs. 7 (2020 Acts and Resolves No. 165), 8 (repeal), and 9 (effective dates) in their entireties and inserting in lieu thereof the following:

Sec. 7. REPEALS

2020 Acts and Resolves No. 165, Sec. 1 (standards for law enforcement use of force), Sec. 2 (justifiable homicide), and subsection (a) of Sec. 5 (effective dates) are repealed.

Sec. 8. EFFECTIVE DATES

(a) This section and Sec. 7 (repeals) shall take effect on July 1, 2021.

(b) The remainder of this act shall take effect on September 1, 2021.

Which was agreed to. Thereupon the report of the Committee on Judiciary, as amended, was agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 218**

Rep. Surprenant of Barnard, for the Committee on Agriculture and Forestry, to which had been referred House bill, entitled

An act relating to the sale of unpasteurized raw milk

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

Sec. 1. 6 V.S.A. chapter 152 is amended to read:

CHAPTER 152: SALE OF UNPASTEURIZED (RAW) MILK**§ 2775. LIMITED SALE OF UNPASTEURIZED (RAW) MILK****PERMISSIBLE**

Notwithstanding section 2701 of this title, the production and sale of unpasteurized milk to a consumer for personal consumption is permitted within the State of Vermont only when produced, marketed, and sold in conformance with this chapter.

§ 2776. DEFINITIONS

~~In~~ As used in this chapter:

(1) “Consumer” means a customer who purchases, barter for, receives delivery of, or otherwise acquires unpasteurized milk according to the requirements of this chapter.

(2) “Milk” ~~shall have~~ has the same meaning as set forth in section 2672 of this title.

(3) “Personal consumption” means the use by a consumer of unpasteurized milk for food or to create a food product made with or from unpasteurized milk that is intended to be ingested by the consumer, members of his or her household, or any nonpaying guests.

(4) “Unpasteurized milk” or “unpasteurized (raw) milk” means milk that is unprocessed.

(5) “Unprocessed” means milk that has not been modified from the natural state it was in as it left the animal, other than filtering, packaging, and cooling.

(6) “Community-supported agriculture organization” or “CSA organization” means a farm or group of farms each subject to regulation under the Required Agricultural Practices that grow, raise, or produce agricultural products for consumer shareholders or subscribers who pledge or contract to buy a portion of the agricultural products of the farm or group of farms.

(7) “Farm stand” means a site on a farm subject to the Required Agricultural Practices where agricultural products principally produced on the farm are sold to the public.

§ 2777. STANDARDS FOR THE SALE OF UNPASTEURIZED (RAW)

MILK

(a) ~~Unpasteurized~~ Except as provided under section 2778 of this title, unpasteurized milk shall be sold directly from the producer to the consumer for personal consumption only and shall not be resold.

(b) Unpasteurized milk shall be sold only from the farm on which it was produced except when sale or delivery off the farm is allowed under section 2778 of this chapter. Unpasteurized milk shall not be offered as free samples at any location other than on the farm on which the milk was produced.

(c) Unpasteurized milk operations shall conform to reasonable sanitary standards, including:

(1)(A) Unpasteurized milk shall be derived from healthy animals that are subject to appropriate veterinary care, including rabies vaccination administered by a licensed veterinarian according to accepted vaccination standards established by the Agency.

(B) A producer shall ensure that all ruminant animals are tested for brucellosis and tuberculosis, conducted by a licensed veterinarian according to accepted testing standards established by the Agency, prior to the sale of unpasteurized milk.

(C) A producer shall ensure that dairy animals entering the producer’s milking herd, including those born on the farm, are tested for brucellosis and tuberculosis, conducted by a licensed veterinarian according to accepted testing standards established by the Agency, prior to the animal’s milk being sold to consumers, unless:

(i) ~~The~~ the dairy animal has a negative U.S. Department of Agriculture approved test for brucellosis within 30 days prior to importation into the State, in which case a brucellosis test shall not be required;

(ii) ~~The~~ the dairy animal has a negative U.S. Department of Agriculture approved tuberculosis test within 60 days prior to importation into the State, in which case a tuberculosis test shall not be required; or

(iii) ~~The~~ the dairy animal leaves and subsequently reenters the producer's herd from a state or Canadian province that is classified as "certified free" of brucellosis and "accredited free" of tuberculosis or an equivalent classification, in which case a brucellosis or tuberculosis test shall not be required.

(D) A producer shall post test results and verification of vaccinations on the farm in a prominent place and make results available to customers and the Agency.

(2) The animal's udders and teats shall be cleaned and sanitized prior to milking.

(3) The animals shall be housed in a clean, dry environment.

(4) Milking equipment shall be of sanitary construction, cleaned after each milking, and sanitized prior to the next milking.

(5) Milking shall be conducted in a clean environment appropriate for maintaining cleanliness.

(6) The farm shall have a potable water supply ~~which~~ that is sampled for bacteriological examination according to Agency standards every three years and whenever any alteration or repair of the water supply has been made.

(7) If an animal is treated with antibiotics, that animal's milk shall be tested for and found free of antibiotics before its milk is offered for sale.

(d) Unpasteurized milk shall conform to the following production and marketing standards:

(1) Record keeping and reporting.

(A) A producer shall collect one composite sample of unpasteurized milk each day and keep the previous 14 days' samples frozen. The producer shall provide samples to the Agency if requested.

(B) A producer shall maintain a current list of all customers, including addresses, telephone numbers, and, when available, e-mail addresses.

(C) The producer shall maintain a list of transactions for at least one year that shall include customer names, the date of each purchase, and the amount purchased.

(2) Labeling. Unpasteurized (raw) milk shall be labeled as such, and the label shall contain:

(A) The date the milk was obtained from the animal.

(B) The name, address, zip code, and telephone number of the producer.

(C) The common name of the type of animal producing the milk, such as cattle, goat, sheep, or an image of the animal.

(D) The words “Unpasteurized (Raw) Milk. Keep Refrigerated.” on the container’s principal display panel, and these words shall be clearly readable in letters at least one-eighth inch in height and prominently displayed.

(E) The words “Consuming raw unpasteurized milk may cause illness, particularly in children, seniors, persons with weakened immune systems, and pregnant women.” on the container’s principal display panel and clearly readable in letters at least one-sixteenth inch in height.

(3) Temperature. Unpasteurized milk shall be cooled to 40 degrees Fahrenheit or lower within two hours of the finish of milking and so maintained until it is obtained by the consumer. All farms shall be able to demonstrate to the Agency’s inspector that they have the capacity to keep the amount of milk sold on the highest volume day stored and kept at 40 degrees Fahrenheit or lower in a sanitary and effective manner.

(4) Storage. An unpasteurized milk bulk storage container shall be cleaned and sanitized after each emptying. Each container shall be emptied within 24 hours of the first removal of milk for packaging. Milk may be stored for up to 72 hours, but all storage containers shall be emptied and cleaned at least every 72 hours. Unless milk storage containers are cleaned and sanitized daily, a written log of dates and times when milking, cleaning, and sanitizing occur shall be posted in a prominent place and be easily visible to customers.

(5) Shelf life. Unpasteurized milk shall not be transferred to a consumer after four days from the date on the label.

(6) Customer inspection and notification.

(A) The producer shall provide the customer with the opportunity to tour the farm and any area associated with the milking operation. The producer shall permit the customer to return to the farm at a reasonable time

and at reasonable intervals to reinspect any areas associated with the milking operation.

(B)(i) A sign, provided by the Agency of Agriculture, Food and Markets, that is ~~8~~ eight and ~~one-half~~ one-half inches by 11 inches in size with the words “Unpasteurized (Raw) Milk. Keep Refrigerated.” “Consuming raw unpasteurized milk may cause illness, particularly in children, seniors, persons with weakened immune systems, and pregnant women.” shall be displayed prominently on the farm in a place where it can be easily seen by customers. The text of the sign required under this subdivision shall be clearly visible and easily readable to consumers on the farm or at a farmers’ market.

(ii) The Secretary of Agriculture, Food and Markets shall post a copy of the sign required under subdivision (6)(B)(i) of this section to the website of the Agency of Agriculture, Food and Markets for use by producers.

(e) A producer selling 87.5 or fewer gallons (350 quarts) of unpasteurized milk per week shall meet the requirements of subsections (a) through (d) of this section and shall sell unpasteurized milk from the farm on which it was produced. A producer selling 87.5 or fewer gallons of unpasteurized milk may choose to meet the requirements of subsection (f) of this section, in which case the producer may deliver or sell in accordance with section 2778 of this title.

(f) A producer selling more than 87.5 gallons to 350 gallons (more than 350 to 1,400 quarts) of unpasteurized milk per week shall meet the requirements of subsections (a) through (d) of this section as well as the following standards:

(1) Inspection. The Agency shall annually inspect the producer’s facility and determine that the producer is in compliance with the sanitary standards listed in subsection (c) of this section.

(2) Bottling. Unpasteurized milk shall be sold in containers that have been filled by the producer. Containers shall be cleaned by the producer except that the producer may allow customers to clean their own containers only if each customer’s container is labeled with the customer’s name and address and the customers use their own containers. Producers shall ensure that only clean bottles are filled and distributed.

(3) Testing.

(A) A producer shall have unpasteurized milk tested twice per month by a U.S. Food and Drug Administration accredited laboratory using accredited lab-approved testing containers. Milk shall be tested for the following and the results shall be below these limits:

(i) total bacterial (aerobic) count: 15,000 cfu l (cattle and goats);

- (ii) total coliform count: 10 cfu l (cattle and goats); and
- (iii) somatic cell count: 225,000 l (cattle); 500,000 l (goats).

(B) The producer shall ensure that all test results are forwarded to the Agency, by the laboratory, upon completion of testing or within five days of receipt of the results by the producer.

(C) The producer shall keep test results on file for one year and shall post results on the farm in a prominent place that is easily visible to customers. The producer shall provide test results to the farm's customers if requested.

(D) The Secretary shall issue a warning to a producer when any two out of four consecutive, monthly tests exceed the limits. The Secretary shall have the authority to suspend unpasteurized milk sales if any three out of five consecutive, monthly tests exceed the limits until an acceptable sample result is achieved. The Secretary shall not require a warning to the consumer based on a high test result.

(4) Registration. Each producer operating under this subsection shall register with the Agency.

(5) Reporting. On or before March 1 of each year, each producer shall submit to the Agency a statement of the total gallons of unpasteurized milk sold in the previous 12 months.

(6) Off-farm sale and delivery. The sale and delivery of unpasteurized milk is permitted as provided for under section 2778 of this title.

(g) The sale of more than 350 gallons (1,400 quarts) of unpasteurized milk in any one week is prohibited.

§ 2778. SALE OR DELIVERY OF UNPASTEURIZED (RAW) MILK

(a) Sale or delivery of unpasteurized milk off the farm, at a farm stand, or by a CSA organization is permitted ~~only~~ within the State of Vermont and ~~only~~ of milk produced by a producer meeting the requirements of subsection 2777(f) of this chapter.

(b) Sale or delivery of unpasteurized milk off the farm, at a farm stand, or by a CSA organization shall conform to the following requirements:

(1) ~~Vendors~~ Persons selling or delivery unpasteurized milk shall ~~verbally~~ inform each customer of the need to keep milk refrigerated.

(2) A producer may sell or deliver unpasteurized milk directly to the customer:

(A) at the customer's home or may deliver it to the customer's home when delivery is into a refrigerated unit at the customer's home if such unit is

capable of maintaining the unpasteurized milk at 40 degrees Fahrenheit or lower until obtained by the customer; or

(B) at a farmers' market, as that term is defined in section 5001 of this title, where the producer is a vendor.

(3) During delivery or storage prior to sale, unpasteurized milk shall be protected from exposure to direct sunlight.

(4) During delivery or storage prior to sale, unpasteurized milk shall be kept at 40 degrees Fahrenheit or lower at all times.

(c)(1) A producer may contract with another individual, a farm stand, or a CSA organization to deliver or sell the unpasteurized milk in accordance with this section.

(2) The producer shall be jointly and severally liable for the delivery or sale of the unpasteurized milk in accordance with this section.

(3) The producer shall submit to the Agency of Agriculture, Food and Markets notice of the farm stands or CSA organizations with whom the producer has contracted to sell the producer's unpasteurized milk under this section.

(d) Prior to delivery or sale at a farmers' market under this section, a producer shall submit to the Agency of Agriculture, Food and Markets written or electronic notice of intent to deliver or sell unpasteurized milk at a farmers' market. The notice shall:

(1) include the producer's name and proof of registration;

(2) identify the farmers' market or markets where the producer will deliver milk; and

(3) specify the day or days of the week on which delivery or sale will be made at a farmers' market.

(e) A producer selling or delivering unpasteurized milk at a farmers' market under this section shall display the registration required under subdivision 2777(f)(4) of this title and the sign required under subdivision 2777(d)(6) on the farmers' market stall or stand in a prominent manner that is clearly visible to consumers.

(f) A farm stand or a CSA organization selling unpasteurized milk produced on a farm other than the farm or farms where the farm stand or CSA organization is located shall:

(1) maintain a list of all customers to whom unpasteurized milk is sold, including addresses, telephone numbers, and, when available, e-mail addresses; date of purchase; and amount purchased;

(2) submit the records required under subdivision (1) of this section to the producer weekly;

(3) store unpasteurized milk in a refrigerated unit or other adequate storage that is capable of keeping the milk at 40 degrees Fahrenheit or lower in a sanitary and effective manner; and

(4) display the sign required for producers under subdivision 2777(d)(6)(B) in a place where clearly visible to and easily readable by customers at the farm stand or CSA organization.

(g) Sale of unpasteurized milk by a farm stand or a CSA organization under this subsection shall be deemed to be farming under 10 V.S.A. § 6001(22) and the Required Agricultural Practices.

(h) The Secretary may inspect a farm stand or CSA organization selling unpasteurized milk under this section during reasonable hours for the purposes of determining compliance with this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

Joint Resolution Adopted

J.R.H. 5

Joint resolution, entitled

Joint resolution authorizing, subject to the determination of and limitations that the Sergeant at Arms may establish, the Green Mountain Boys State educational program to use the State House;

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

Second Reading; Bill Amended; Third Reading Ordered

H. 154

Rep. Vyhovsky of Essex, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to the failure of municipal officers to accept office

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

Sec. 1. 24 V.S.A. § 961 is amended to read:

§ 961. VACANCY OR SUSPENSION OF OFFICER'S DUTIES

(a) When a ~~town~~ municipal officer resigns ~~his or her~~ the officer's office, ~~or~~ has been removed ~~therefrom~~ from the office, ~~or~~ dies, ~~or~~ becomes unable to perform ~~his or her~~ the officer's duties due to a mental condition or psychiatric disability, or removes from town, ~~such~~ the office shall become vacant. Notice of this vacancy shall be posted by the legislative body in at least two public places in the ~~town~~ municipality, and in and near the ~~town~~ municipal clerk's office, within 10 days of the creation of the vacancy.

(b) In the event there are so many vacancies on the ~~selectboard~~ legislative body that a quorum cannot be achieved, the remaining ~~selectperson~~ member or ~~selectpersons~~ members of the legislative body shall be authorized to draw orders for payment of continuing obligations and necessary expenses until the vacancies are filled pursuant to section 963 of this title.

* * *

(d) When a municipal officer refuses or neglects within 30 days of election or appointment to take an oath of office pursuant to section 831 of this title, the office shall become vacant. However, the office shall not be deemed vacant until the legislative body of the municipality has warned a regular meeting for that purpose and affords the municipal officer the opportunity to take the oath of office at the meeting.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

**Rules Suspended; Second Reading; Proposal of Amendment Offered;
Recess; Proposal of Amendment Agreed to; Third Reading Ordered;
Rules Suspended; Third Reading; Bill Passed in Concurrence with
Proposal of Amendment; Rules Suspended;
Bill Messaged to Senate Forthwith**

S. 117

On motion of **Rep. McCoy of Poultney**, the rules were suspended and Senate bill, entitled

An act relating to extending health care regulatory flexibility during and after the COVID-19 pandemic and to coverage of health care services delivered by audio-only telephone

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

Rep. Houghton of Essex, for the Committee on Health Care, to which had been referred the Senate bill, reported in favor of its passage in concurrence.

Thereupon, the bill was read the second time.

Pending the question, Shall the bill be read a third time?, **Rep. Strong of Albany** moved that the House propose to the Senate that the bill be amended by striking out Sec. 11, 18 V.S.A. § 1129, in its entirety and inserting in lieu thereof the following:

Sec. 11. [Deleted.]

At three o'clock and thirty-nine minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Thereupon, the proposal of amendment was agreed to, and third reading was ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill placed in all remaining stages of passage. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

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

Message from the Senate No. 28

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 passed Senate bills of the following titles:

S. 7. An act relating to expanding access to expungement and sealing of criminal history records.

S. 78. An act relating to binding interest arbitration for employees of the Vermont Judiciary.

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

Adjournment

At five o'clock and eleven minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

Thursday, March 18, 2021

At one o'clock and fifteen minutes in the afternoon Rep. Long of Newfane called the House to order.

Devotional Exercises

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

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 7

Senate bill, entitled

An act relating to expanding access to expungement and sealing of criminal history records;

To the Committee on Judiciary.

S. 78

Senate bill, entitled

An act relating to binding interest arbitration for employees of the Vermont Judiciary;

To the Committee on General, Housing, and Military Affairs.

Bill Referred to Committee on Appropriations

H. 159

House bill, entitled

An act relating to creating the Better Places Program

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Speaker Krowinski presiding.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 87

House bill, entitled

An act relating to establishing a classification system for criminal offenses

H. 145

House bill, entitled

An act relating to amending the standards for law enforcement use of force

H. 154

House bill, entitled

An act relating to the failure of municipal officers to accept office

Action on Bill Postponed

H. 218

House bill, entitled

An act relating to the sale of unpasteurized raw milk

Was taken up and pending the reading of the report of the Committee on Agriculture and Forestry, on motion of **Rep. Surprenant of Barnard**, action on the bill was postponed until March 19, 2021.

Third Reading; Bill Passed

H. 428

House bill, entitled

An act relating to hate-motivated crimes and misconduct

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

Second Reading; Bill Amended; Third Reading Ordered

H. 101

Rep. Webb of Shelburne, for the Committee on Education, to which had been referred House bill, entitled,

An act relating to the implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy support for all students with measurable outcomes

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

Sec. 1. PURPOSE

The purpose of this act is to provide assistance to supervisory unions in their implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy support for all students with measurable outcomes.

Sec. 2. FINDINGS

(a) In 2016 Acts and Resolves No. 148, the General Assembly directed the Agency of Education to contract with a consulting firm to review current practices and recommend best practices for the delivery of special education services in school districts. The Agency of Education contracted with the District Management Group, which issued in November 2017 its report entitled “Expanding and Strengthening Best-Practice Supports for Students who Struggle” (Report).

(b) This Report made the following five recommendations on best practices for the delivery of special education services:

(1) ensure core instruction meets most needs of most students;

(2) provide additional instructional time outside core subjects to students who struggle rather than providing interventions instead of core instruction;

(3) ensure students who struggle receive all instruction from highly skilled teachers;

(4) create or strengthen a systems-wide approach to supporting positive student behaviors based on expert support; and

(5) provide specialized instruction from skilled and trained experts to students with more intensive needs.

(c) In enacting 2018 Acts and Resolves No. 173, the General Assembly’s goal was to enhance the effectiveness, availability, and equity of services provided to all students who require additional support in Vermont’s school districts, recognizing that changing the models for delivery of services and funding for students who require additional support is a significant change for school systems and their constituencies and that they will require time and assistance in making necessary accommodations.

(d) In Act 173, the General Assembly provided additional staff and resources to the Agency of Education to support its work with supervisory unions and schools that are transitioning to the best practices recommended in the Report.

(e) Further support for supervisory unions and schools that are transitioning to the best practices recommended in the Report are necessary, particularly in the area of teaching literacy to students in prekindergarten through grade 3, given that proficiency in reading is an essential foundational skill for educational success.

(f) According to the 2019 assessment of reading proficiency by the National Assessment of Educational Progress, only 37 percent of Vermont students in fourth grade were proficient in reading, and that percentage has declined from 2002 (39 percent) and 2017 (43 percent).

(g) Ensuring that students in prekindergarten through grade 3 learn to read at a proficient level advances the best practices recommended in the Report, in particular ensuring core instruction meets most needs of most students and ensuring that students who struggle receive all instruction from highly skilled teachers.

Sec. 3. LITERACY GRANT PROGRAM

(a) Definitions. As used in this section:

(1) “Eligible applicant” means a supervisory union, or, if multiple supervisory unions choose to collaborate in applying together for the grant funding, those supervisory unions.

(2) “Grant” means a grant provided under this section.

(3) “Participating supervisory union” means each supervisory union that applies for the grant funding under the same application.

(4) “Participating supervisory union leadership team” means the superintendent or designee of each participating supervisory union and two representatives of schools within each participating supervisory union appointed by its superintendent.

(5) “Program” means the Literacy Grant Program created by this section.

(b) Program creation and grant authorization.

(1) The Literacy Grant Program is created to enable supervisory unions to adopt best practices in teaching literacy instruction to students in prekindergarten through grade 3.

(A) In recognition that literacy proficiency is a foundational learning skill, this Program is designed to assist supervisory unions implement 2018 Acts and Resolves No. 173 by providing students with the literacy skills necessary to ensure that core instruction meets most needs of most students and that students who struggle receive all instruction from highly skilled teachers.

(B) Supervisory unions are encouraged to work together in a sustained and targeted manner to improve literacy outcomes by applying together for the grant funding or otherwise working collaboratively in a manner that uses resources in an effective and efficient manner.

(C) Subject to the terms of the Program, grants shall be awarded to eligible applicants for three consecutive years.

(2)(A) The Agency of Education shall inform supervisory unions of the availability of grants under this act and provide technical assistance to eligible applicants in applying for these funds.

(B) The Agency, in providing information and technical assistance, shall focus on eligible applicants that have a relative higher percentage of:

(i) students who have over recent years scored lower on literacy assessments;

(ii) students who come from families eligible for free or reduced-priced lunch; or

(iii) discrepancies in outcome data on literacy for students from historically underserved populations, including, to the extent that data is available in compliance with privacy laws, students who are Black, Indigenous, and People of Color; students who are English language learners; and students on individualized education programs.

(C) The Agency of Education shall also advise supervisory unions of other sources of funding that may be available to advance the purpose of this act.

(c) Application for, and approval of, grant funding.

(1) On or before July 15, 2021, the Agency of Education shall develop the application for the grant program and post the application on the Agency's website.

(2) The application for the grant shall include:

(A) the members of the participating supervisory union leadership team and a description of its governance structure;

(B) the person or persons who will disperse the grant funds among the participating supervisory unions, a description of the fiscal controls to ensure proper accounting of these funds, and the eligible applicant's Program budget;

(C) the literacy indicators and outcomes the eligible applicant seeks to improve, which shall include each of phonemic awareness, phonics, reading fluency, vocabulary, and comprehension, and may include any other areas of current best practices in teaching literacy;

(D) the priority problems of practice in teaching and improving literacy outcomes, including shared problems of practice across the participating supervisory unions;

(E) the eligible applicant's plan for improving literacy teaching and outcomes, including how the proposed plan will strengthen the applicant's process towards ensuring that:

(i) core literacy instruction meets most needs of most students;
and

(ii) students who struggle with literacy proficiency receive all instruction from highly skilled teachers;

(F) how the eligible applicant will implement its plan for literacy teaching and outcomes and a description of how it will achieve the purpose of this act;

(G) how literacy results and outcomes will be measured and reported;

(H) how the eligible applicant will improve its Tier 1 education under 16 V.S.A. § 2902 through this process; and

(I) how systems and processes developed through the grant funding will be sustained.

(3) The Agency shall develop application scoring criteria that incorporate the factors under subdivision (b)(2)(B) of this section and are consistent with subdivisions (2)(A)–(I) of this subsection (c). On or before July 31, 2021, the Agency shall send a copy of the grant application and scoring criteria, review process, and selection criteria to the House and Senate Committees on Education.

(4) Eligible applicants shall submit applications for grant funding to the Agency of Education, which shall review those applications. Following the application review process, the Agency shall recommend applications to the Secretary for funding based on the review scores, funding dollars available,

and the Agency's view of the applicant's need for literacy instructional support as compared with other applicants. The Secretary shall make the final grant funding determination.

(5) Based on the Secretary's determination, the Agency of Education shall, on or before September 1, 2021, award the first year of grant funding, up to \$100,000.00 per application, to successful applicants. The amount of this funding shall be based on the applicant's proposed budget, total availability of funds, and the applicant's need for literacy instructional support as compared with other applicants. If the amount appropriated for this purpose is insufficient to fully fund the grants under that section, then the grant amounts that are awarded shall be prorated.

(6) The Agency of Education shall, on or before each of September 1, 2022 and 2023, award the second year and third year of grant funding, respectively, of up to \$100,000.00 per eligible applicant per year. The amount of this funding shall be based on the applicant's proposed budget, total availability of funds, and the Secretary's assessment of the eligible applicant's progress towards implementing its action plan to improve literacy teaching and outcomes under subdivision (2)(F) of this subsection. The Secretary may deny or reduce second- or third-year grant funding if the Secretary finds that the applicant has made insufficient progress towards implementing its action plan. If the amount appropriated for this purpose is insufficient to fully fund the grants under that section, then the grant amounts that are awarded shall be prorated.

(d) Use of grant funds.

(1) Grant funds shall be used to:

(A) establish the participating supervisory union leadership team and its governance structure;

(B) implement the eligible applicant's action plan to improve literacy teaching and outcomes under subdivision (c)(2)(F) of this section; and

(C) measure the literacy results and outcomes under subdivision (c)(2)(G) of this section.

(2) Grant funds may be used to:

(A) build literacy instructional leadership capacity to lead the improvement of the quality of literacy teaching and for the improvement of student learning;

(B) implement an instructional coaching model, as described in the guidelines for implementing effective coaching systems issued by the Agency of Education in March 2016 (Coaching Guidelines);

(C) implement a systems' coaching model, as described in the Coaching Guidelines;

(D) support educators in using collaborative data systems to promote continuous improvement of literacy teaching and outcomes;

(E) provide focused training on the literacy indicators and outcomes the eligible applicant seeks to improve, which, if offered, shall include each of phonemic awareness, phonics, reading fluency, vocabulary, and comprehension, and any other areas of focus in teaching literacy;

(F) employ universal design for literacy learning, which is a framework to improve teaching and learning for all students based on scientific research on how people learn;

(G) employ evidence-based structured literacy instruction, including for students at risk for dyslexia or diagnosed with dyslexia; and

(H) employ any other proven method that builds sustainable systemwide improvement in literacy delivery and outcomes.

(3) Required activities shall not be duplicative of existing programs and activities.

(4) Grant funds may be used for hiring additional staff, providing additional compensation to existing staff, or contracting with another entity or entities to aid in the implementation activities under subdivision (1) of this subsection.

(e) Evaluation and reporting.

(1) Not later than 30 calendar days after the one-year anniversary of receiving a grant award under this section, the eligible applicant shall submit to the Agency of Education a report that describes progress and concerns with the implementation of the eligible applicant's action plan to improve literacy teaching and outcomes under subdivision (c)(2)(F) of this section.

(2) On or before January 15, 2025, the Agency of Education shall report to the General Assembly and the Governor on the impact of the grant program. The report shall be made publicly available on the Agency of Education's website.

Sec. 4. APPROPRIATION OF FUNDS

(a) Notwithstanding any provision of law to the contrary, \$2,000,000.00 is appropriated from federal funds to the Agency of Education for fiscal year 2022 for the literacy grants to be funded on or before September 1 of each of 2021, 2022, and 2023 under Sec. 3 of this act.

(b) The Agency of Education may set aside:

(1) not more than \$16,000.00 for informational and technical assistance for eligible applicants as defined under Sec. 3(a)(2) of this act; and

(2) not more than \$16,000.00 for the evaluations required under Sec. 3(e)(1) of this act.

Sec. 5. AGENCY OF EDUCATION; STAFFING

The following position is created in the Agency of Education: one full-time, director level, classified position to serve as the Statewide Literacy Coordinator in the Office of the Secretary. The person hired as the Statewide Literacy Coordinator shall hold a masters' level degree, or have equivalent expertise based on work experience, in the field of evidenced-based literacy instruction. There is appropriated to the Agency of Education from the General Fund for fiscal year 2022 the amount of \$150,000.00 for salary, benefits, and operating expenses for this position.

Sec. 6. 16 V.S.A. § 2903a is added to read:

§ 2903a. ADVISORY COUNCIL ON LITERACY

(a) Creation. There is created the Advisory Council on Literacy. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes.

(b) Membership. The Council shall be composed of the following 14 members:

(1) eight members who shall serve as ex officio members:

(A) the Statewide Literacy Coordinator at the Agency of Education;

(B) a member appointed of the Standards Board for Professional Educators who is knowledgeable in licensing requirements for teaching literacy, appointed by the Standards Board;

(C) the Executive Director of the Vermont Superintendents Association or designee;

(D) the Executive Director of the Vermont School Boards Association or designee;

(E) the Executive Director of the Vermont Council of Special Education Administrators or designee;

(F) the Executive Director of the Vermont Principals' Association or designee;

(G) the Executive Director of the Vermont Independent Schools Association or designee; and

(H) the Executive Director of the Vermont-National Education Association or designee;

(2) six members who shall serve two-year terms:

(A) a representative appointed by the Vermont Curriculum Leaders Association;

(B) three teachers appointed by the Vermont-National Education Association who teach literacy, one of whom shall be a special education literacy teacher and two of whom shall teach literacy to students in prekindergarten through grade three; and

(C) two community members who have struggled with literacy proficiency or supported others who have struggled with literacy proficiency, appointed by the Agency of Education in consultation with the Vermont Family Network.

(c) Members with two-year terms.

(1) A member with a term limit shall serve a term of two years and until a successor is appointed. A term shall begin on January 1 of the year of appointment and run through December 31 of the last year of the term. Terms of these members shall be staggered so that not all terms expire at the same time.

(2) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(3) A member with a term limit shall not serve more than two consecutive terms. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of this subdivision.

(d) Powers and duties. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes and shall:

(1) advise the State Board of Education on how to update section 2903 of this title and the statewide literacy plan required by that section and how to maintain that plan;

(2) advise the Agency of Education on what services the Agency should provide to school districts to support implementation of the plan and on

staffing levels and resources needed at the Agency to support the Statewide Literacy Coordinator;

(3) develop a plan for collecting literacy-related data that informs:

(A) literacy instructional practices;

(B) teacher professional development in the field of literacy;

(C) what proficiencies and other skills should be measured through literacy assessments and how those literacy assessments are incorporated into local assessment plans; and

(D) how to identify school progress in achieving literacy outcomes, including closing literacy gaps for students from historically underserved populations;

(4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy instruction within the multitiered system of supports required under section 2902 of this title to best improve and sustain literacy proficiency; and

(5) review literacy assessments and outcomes and provide ongoing advice as to how to continuously improve those outcomes and sustain that improvement.

(e) Report. Notwithstanding 2 V.S.A. § 20(d), annually on or before December 15, the Council shall submit a written report to the House and Senate Committees on Education with its findings, any recommendations for legislative action, and progress toward outcomes identified in this section. The report shall contain an executive summary, which shall not exceed two pages.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Council to occur on or before August 1, 2021.

(2) The Statewide Literacy Coordinator at the Agency of Education shall chair the Council, provided that until that position is filled, the Council shall select a chair from among its members.

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

(4) The Council shall meet not more than eight times per year.

(g) Assistance. The Council shall have the administrative, technical, and legal assistance of the Agency of Education.

(h) Compensation and reimbursement. Members of the Council 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 of the Council per year.

Sec. 7. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

The sum of \$6,000.00 is appropriated from the General Fund in fiscal year 2022 to the Agency of Education for per diem and reimbursement of expenses for members of the Advisory Council on Literacy created under Sec. 6 of this act.

Sec. 8. AGENCY OF EDUCATION; ANNUAL BUDGET REQUEST

The Agency of Education shall, in its annual budget request to the General Assembly, include the amount of \$6,000.00 for per diem and reimbursement of expenses for members of the Advisory Council on Literacy created under Sec. 6 of this act.

Sec. 9. IMPLEMENTATION OF THE ADVISORY COUNCIL ON
LITERACY

(a) The Advisory Council on Literacy, created in Sec. 6 of this act, is established on August 1, 2021.

(b) Members of the Council shall be appointed on or before August 1, 2021 and, for members with a term limit, their service on the Council from the date of appointment through December 31, 2021 shall not be counted toward their term limit.

(c)(1) In order to stagger the terms of the members of the Council, the initial terms of the following members shall be for one year:

(A) two of the teachers appointed under subdivision (b)(2)(B) of this section; and

(B) the two community members appointed under subdivision (b)(2)(C) of this section.

(2) After the expiration of the initial term set forth in subdivision (1) of this subsection, Council member terms shall be as set forth in 16 V.S.A. § 2903a(c) in Sec. 6 of this act.

Sec. 10. AGENCY OF EDUCATION; LITERACY PLAN

Notwithstanding 16 V.S.A. § 2903(b), on or before December 1, 2021, the Agency of Education shall, in collaboration with the Advisory Council on Literacy created by Sec. 6 of this act, update the statewide literacy plan required under 16 V.S.A. § 2903(b).

Sec. 11. TEACHER PREPARATION PROGRAMS; REVIEW

(a) On or before December 1, 2021, the Agency of Education in collaboration with the Standards Board for Professional Educators shall review:

(1) teacher preparation programs to assess to what extent these programs prepare teacher candidates to use “evidence-based literacy instruction”; and

(2) licensing and re-licensing criteria as it pertains to literacy instruction.

(b) “Evidence-based literacy instruction” means reading, writing, and spelling instruction that is supported by high-quality research that meets rigorous standards and is proven to translate effectively to classroom practices.

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Scheu of Middlebury, 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 follows:

First: By striking out Sec. 4, appropriation of funds, in its entirety and inserting in lieu thereof the following:

Sec. 4. APPROPRIATION OF FUNDS

(a) The sum of \$3,090,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(1), Pub. L. No. 117-2 to the Agency of Education for fiscal year 2022 for the literacy grants to be funded on or before September 1 of each of 2021, 2022, and 2023 under Sec. 3 of this act.

(b) The Agency of Education may set aside:

(1) not more than one percent of the funds appropriated under subsection (a) of this section for each of fiscal years 2022, 2023, and 2024 for informational and technical assistance for eligible applicants as defined under Sec. 3(a)(2) of this act; and

(2) not more than two percent of the funds appropriated under subsection (a) of this section for each of fiscal years 2022, 2023, and 2024 for the evaluations required under Sec. 3(e)(1) of this act.

Second: By striking out Sec. 5, Agency of Education; staffing, in its entirety and inserting in lieu thereof the following:

Sec. 5. AGENCY OF EDUCATION; STAFFING

(a) The following position is created in the Agency of Education: one full-time, director level, classified position to serve as the Statewide Literacy Coordinator in the Office of the Secretary. The person hired as the Statewide Literacy Coordinator shall hold a masters’ level degree, or have equivalent

expertise based on work experience, in the field of evidenced-based literacy instruction.

(b) There is appropriated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 for fiscal year 2022 the amount of \$450,000.00 for salary, benefits, and operating expenses for fiscal years 2022, 2023, and 2024 for this position.

Third: By striking out Sec. 7, Appropriation, Advisory Council on Literacy, in its entirety and inserting in lieu thereof the following:

Sec. 7. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

The sum of \$18,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 to the Agency of Education for per diem and reimbursement of expenses for members of the Advisory Council on Literacy for fiscal years 2022, 2023 and 2024 created under Sec. 6 of this act.

Fourth: By striking out Sec. 8 in its entirety and inserting in lieu thereof the following:

Sec. 8. REPEAL; ADVISORY COUNCIL ON LITERACY

16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is repealed on June 30, 2024.

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, and the report of the Committee on Education was amended as recommended by the Committee on Appropriations.

Pending the question, Shall the bill be read a third time?, **Reps. Webb of Shelburne, Arrison of Weathersfield, Austin of Colchester, Brady of Williston, Brown of Richmond, Conlon of Cornwall, Cupoli of Rutland City, Hooper of Randolph, James of Manchester, Toof of St. Albans Town, and Williams of Granby** moved to amend the report of the Committee on Education as amended as follows:

First: In Sec. 6, 16 V.S.A. § 2903a, Advisory Council on Literacy, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Membership. The Council shall be composed of the following 15 members:

(1) eight members who shall serve as ex officio members:

(A) the Statewide Literacy Coordinator at the Agency of Education;

(B) a member of the Standards Board for Professional Educators who is knowledgeable in licensing requirements for teaching literacy, appointed by the Standards Board;

(C) the Executive Director of the Vermont Superintendents Association or designee;

(D) the Executive Director of the Vermont School Boards Association or designee;

(E) the Executive Director of the Vermont Council of Special Education Administrators or designee;

(F) the Executive Director of the Vermont Principals' Association or designee;

(G) the Executive Director of the Vermont Independent Schools Association or designee; and

(H) the Executive Director of the Vermont-National Education Association or designee; and

(2) seven members who shall serve two-year terms:

(A) a representative appointed by the Vermont Curriculum Leaders Association;

(B) three teachers appointed by the Vermont-National Education Association who teach literacy, one of whom shall be a special education literacy teacher and two of whom shall teach literacy to students in prekindergarten through grade three;

(C) two community members who have struggled with literacy proficiency or supported others who have struggled with literacy proficiency, appointed by the Agency of Education in consultation with the Vermont Family Network; and

(D) one member appointed by the Agency of Education who has expertise in working with students with dyslexia.

Second: By striking out Sec. 7, appropriation; Advisory Council on Literacy, in its entirety and inserting in lieu thereof the following:

Sec. 7. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

The sum of \$21,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 to the Agency of Education for per diem and reimbursement of expenses for members of the Advisory Council on Literacy for fiscal years 2022, 2023 and 2024 created under Sec. 6 of this act.

Which was agreed to. Thereupon, the bill was amended as recommended by the Committee on Education, as amended, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 106

Rep. James of Manchester, for the Committee on Education, to which had been referred House bill, entitled,

An act relating to equitable access to a high-quality education through community schools

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

Sec. 1. SHORT TITLE

This act shall be called the “Community Schools Act.”

Sec. 2. FINDINGS AND PURPOSE

(a) Findings. The General Assembly finds that:

(1) Every child should be able to grow up and have the opportunity to achieve their dreams and contribute to the well-being of society. Every child deserves a public school that fully delivers on that promise.

(2) According to the National Center for Education Statistics, more than half of the nation’s schoolchildren live in low-income households, meaning they qualify for free or reduced-price lunch, a percentage that has risen steadily in recent decades. According to the Vermont Agency of Education, an average of 38 percent of students across all supervisory unions during the 2019–2020 school year qualified for free or reduced-price lunch. As a result, some schoolchildren face more challenges than others in succeeding in school and in life.

(3) Community schools facilitate the coordination of comprehensive programs and services that are carefully selected to meet the unique needs of students and families, such as substance misuse, lack of stable housing, inadequate medical and dental care, hunger, trauma, and exposure to violence, so students can do their best.

(4) According to research reports from the Learning Policy Institute, the four key pillars of the community schools approach, which are integrated student supports, expanded and enriched learning time and opportunities, active family and community engagement, and collaborative leadership and practices, promote conditions and practices found in high-quality schools as well as address out-of-school barriers to learning.

(5) This research also shows that community school interventions can result in improvements in a variety of student outcomes, including attendance, academic achievement (including reducing racial and economic achievement gaps), and high school graduation rates, and can meet the Every Student Succeeds Act standard of “evidence-based” approaches to support schools identified for comprehensive and targeted support and intervention.

(6) Research also shows that these programs offer a strong return on investment. According to impact studies, each dollar invested in a community coordinator position returns approximately \$7.00 in net benefits to the school (Return on Investment of a Community School Coordinator: A Case Study; APEX and Community School Partnership; 2019). Every dollar invested in programs and support (including medical, dental, and social services; afterschool and summer enrichment; parent engagement; and early childhood services) can yield up to \$15.00 in return (Community Schools as an Effective School Improvement Strategy: A Review of the Evidence; Anna Maier, Julia Daniel, Jeannie Oakes, and Livia Lam; 2017).

(7) According to the Learning Policy Institute, “establishing community schools” is one of 10 recommended strategies for restarting and rethinking the role of public education in the wake of the COVID-19 pandemic. Community schools serve as resource hubs that provide a broad range of easily accessed, well-coordinated supports and services that help students and families with increasingly complex needs.

(8) Community schools have been established in many states and settings, from New York City to Chicago and Los Angeles. But the approach has also been successful in rural communities. In McDowell County, West Virginia (population 22,000), community schools are part of a public-private partnership, a collaboration between state government, nonprofit agencies, businesses, and philanthropic foundations, that aims to “make educational improvement the route to a brighter economic future.” The national nonprofit Rural School and Community Trust is an active advocate for expanding this model in rural areas, calling the relationship between good schools and thriving communities “crucial.” In Vermont, a growing number of schools are implementing or exploring the model, from Molly Stark Elementary in Bennington, which offers school-based health services, extended hours, summer school, and family learning activities, to the school-based health center in Winooski.

(b) Purpose. This law is enacted to support a demonstration grant program for the implementation of community school programs that provide students with equitable access to a high-quality education.

Sec. 3. COMMUNITY SCHOOLS; DEMONSTRATION GRANT
PROGRAM

(a) Definitions. As used in this section:

(1) “Community school coordinator” means a person who:

(A) is a full-time or part-time staff member serving in an eligible school or in a school district or supervisory union with an eligible school and appointed in accordance with Vermont law; and

(B) is responsible for the identification, implementation, and coordination of a community school program, subject to the operational and reporting structure of the community school coordinator’s employer.

(2) “Community school program” means a program offered at a public elementary or secondary school that includes all four of the following:

(A) integrated student supports, which address out-of-school barriers to learning through partnerships with social and health service agencies and providers, coordinated by a community school coordinator, which may include access to services such as medical, dental, vision care, and mental health services, or access to counselors to assist with housing, transportation, nutrition, immigration, or criminal justice issues;

(B) expanded and enriched learning time and opportunities, which may include before-school, afterschool, weekend, and summer programs, that provide additional academic instruction, individualized academic support, enrichment activities, and learning opportunities that emphasize real-world learning and community problem-solving and that may include art, music, drama, creative writing, hands-on experience with engineering or science, tutoring and homework help, and recreational programs that enhance and are consistent with the school’s curriculum;

(C) active family and community engagement, which brings students’ families and the community into the school as partners in children’s education and makes the school a community hub, providing adults with a facility to access educational opportunities they want, which may include coordinating services with outside providers to offer English as a second language classes, green card or citizenship preparation, computer skills, art, financial literacy, career counseling, job skills training, services for substance misuse, and other programs that bring community members into the building for meetings or events; and

(D) collaborative leadership and practices, which build a culture of professional learning, collective trust, and shared responsibility using strategies that shall, at a minimum, leverage the multitiered system of supports

and include a community school coordinator and a representative of families in the community, and may include school, school district, and other leadership or governance teams; teacher learning communities; and other staff to manage the multiple, complex, joint work of school and community organizations.

(3) “Demonstration grant” means a grant provided to an eligible applicant under this section.

(4) “Eligible applicant” means either a school district with an eligible school or supervisory union with an eligible school.

(5) “Eligible school” means a public elementary or secondary school that:

(A) has a student body where at least 40 percent of students are eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch Act, 42 U.S.C. § 1751 et seq.; or

(B) has been identified for comprehensive or equity support and intervention under Section 1111(c)(4)(D) of the Elementary and Secondary Education Act of 1965 or otherwise identified by the State as in need of additional support.

(b) Demonstration grant authorization. The Secretary of Education is authorized to provide annual demonstration grants of up to \$110,000.00 a year for a period of three years for each eligible applicant to:

(1) hire a community school coordinator to develop and implement a community school program; or

(2) designate a community school coordinator from existing personnel and augment work already being performed to develop and implement a community school program.

(c) Grant administration.

(1) The Secretary of Education shall administer the demonstration grant program under this section. The Secretary shall develop the demonstration grant application, determine grant amounts, and provide grant funding on or before September 1 of each of 2021, 2022, and 2023 to successful applicants. The Secretary may deny or reduce second- and third-year grant funding if the Secretary finds that the applicant has made insufficient progress towards developing and implementing a community school program.

(2) The Agency of Education shall inform supervisory unions of the availability of demonstration grants under this act and provide technical assistance to eligible applicants in applying for these funds. The Agency of

Education shall also advise eligible applicants of other sources of funding that may be available to advance the purpose of this act.

(d) Use of grant funding.

(1) An eligible applicant shall use the demonstration grant funding to hire a community school coordinator to develop and implement a community school program or to designate a community school coordinator from existing personnel and augment work already being performed to develop and implement a community school program.

(2) If the funding is used to hire a community school coordinator, then during the first year of demonstration grant funding, the community school coordinator shall conduct a needs and assets assessment of the school to determine what is necessary to develop a community school program and an action plan to implement the community school program. During the second and third years of demonstration grant funding, the community school coordinator shall oversee the implementation of the community school program.

(e) Evaluation.

(1) At the end of each year of grant funding, each eligible applicant that received grant funding shall undergo an evaluation designed by the Agency of Education.

(2) On or before each of December 15, 2022 and 2024, the Agency of Education shall report to the General Assembly and the Governor on the impact of the demonstration grant program. The report shall be made publicly available on the Agency of Education's website.

Sec. 4. APPROPRIATION OF FUNDS

(a) The Secretary of Education shall use \$1,529,000.00 of the amount allocated to the Agency of Education from the Elementary and Secondary School Emergency Relief Fund pursuant to Section 313 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 for the demonstration grants to be funded on or before September 1 of each of 2021, 2022, and 2023 under Sec. 3 of this act.

(b) The Agency of Education may set aside:

(1) not more than one percent of funds for informational assistance and technical assistance, such as assistance with applying for grant funding and use of grant funding, for eligible applicants under Sec. 3 of this act; and

(2) not more than two percent of funds for the evaluations required under Sec. 3 of this act.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Scheu of Middlebury, 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 follows:

By striking out Sec. 4, appropriation of funds, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. APPROPRIATION OF FUNDS

(a) The Secretary of Education shall use \$3,399,000.00 of the amount allocated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(1), 2021, Pub. L. No. 117-2 for the demonstration grants to be funded on or before September 1 of each of 2021, 2022, and 2023 under Sec. 3 of this act.

(b) The Agency of Education may set aside:

(1) not more than one percent of the funds appropriated under subsection (a) of this section for each of fiscal years 2022, 2023, and 2024 for informational and technical assistance, such as assistance with applying for grant funding and use of grant funding, for eligible applicants as defined under Sec. 3 of this act; and

(2) not more than two percent of the funds appropriated under subsection (a) of this section for each of fiscal years 2022, 2023, and 2024 for the evaluations required under Sec. 3 of this act.

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, and the report of the Committee on Education was amended as recommended by the Committee on Appropriations. The report of the Committee on Education, as amended, was agreed to, and third reading ordered.

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 426

Rep. Arrison of Weathersfield spoke for the Committee on Education.

House bill, entitled

An act relating to addressing the needs and conditions of public school facilities in the State

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the bill ought to pass when amended as follows:

First: In Sec. 3, School facilities conditions assessment; Agency of Education; Department of Buildings and General Services, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) The total cost for the assessment described in this section shall not exceed \$2,500,000.00, of which the Secretary is authorized to expend as follows:

(1) Of the initial expenditures, not more than the \$627,500.00 shall be used from the amount allocated to the Agency of Education from the Coronavirus Aid, Relief, and Economic Security Act pursuant to Secs. 18003(e), 2020, Pub. L. No. 116-136.

(2) Of the remaining expenditures, not more than \$1,872,500.00 shall be used from the amount allocated to the Agency of Education Elementary and Secondary School Emergency Relief Fund pursuant to Section 313(e) of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260.

Second: In Sec. 7, Agency of Education; creation of positions, in subsection (a) by striking out “Two full-time exempt positions are” and inserting in lieu thereof “One limited-service position funded through January 15, 2023 is” and by striking out “existing positions” and inserting in lieu thereof “an existing position”, and by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b) In fiscal year 2022, the Agency of Education is authorized to use not more than \$127,500.00 from the amount allocated to the Agency of Education Elementary and Secondary School Emergency Relief Fund pursuant to Section 313(e) of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260. for the position described in subsection (a) of this section.

Having appeared on the Calendar for Notice, was taken up, read the second time, the report of the Committee on Appropriations agreed to, and third reading ordered.

Committee Bill; Second Reading; Third Reading Ordered

H. 434

Rep. Norris of Shoreham spoke for the Committee on Agriculture and Forestry.

House bill, entitled

An act relating to establishing the Agricultural Innovation Board

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended the bill ought to pass.

Having appeared on the Calendar for Notice, was taken up, read the second time, and third reading ordered.

Message from the Senate No. 29

A message was received from the Senate by Mr. Marshall, 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. 107. An act relating to confidential information concerning the initial arrest and charge of a juvenile.

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

The Governor has informed the Senate that on the seventeenth day of March, 2021, he approved and signed a bill originating in the Senate of the following title:

S. 110. An act relating to extending eligibility for Pandemic Emergency Unemployment Compensation.

Remarks Journalized

On motion of **Rep. Sibilias of Dover**, the following remarks by **Rep. Pugh of South Burlington** were ordered printed in the Journal:

“Madam Speaker:

I’m wondering if the House knows what the junior member from Winooski has in common with Amanda Gorman and Dolly Parton? If you don’t, let me tell you. They join Representative Taylor Small as being identified by Time Out Magazine as being one of 11 amazing women who have changed the world; who have not only survived a global pandemic, but have channeled all their efforts into making their communities and the world a better place. Congratulations, junior member from Winooski.”

Adjournment

At four o'clock and fifty-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, March 19, 2021

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.

Senate Bill Referred

S. 107

Senate bill, entitled

An act relating to confidential information concerning the initial arrest and charge of a juvenile

Was read and referred to the Committee on Judiciary.

Amendment Offered; Read Third Time; Bill Passed

H. 218

House bill, entitled

An act relating to the sale of unpasteurized raw milk

Was taken up, and pending third reading of the bill, **Reps. Rosenquist of Georgia** and **Hango of Berkshire** moved that the bill be amended as follows:

In Sec. 1, 6 V.S.A. chapter 152, in section 2778, in subsection (b), by adding a subdivision (5) to read:

(5) Prior to delivery of raw milk to a farm stand or CSA organization for sale, the producer shall test the milk for Escherichia coli, Salmonella, Listeria monocytogenes, and Campylobacter using polymerase chain reaction pathogen testing. If the results of the test indicate the presence of Escherichia coli, Salmonella, Listeria monocytogenes, or Campylobacter, the producer shall dispose of the milk and not sell it to a consumer, farm stand, or CSA organization.

Which was disagreed to in a vote by division: Yeas 15, Nays 81. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 101

House bill, entitled

An act relating to the implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy support for all students with measurable outcomes

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

Third Reading; Recess; Bill Passed

H. 106

House bill, entitled

An act relating to equitable access to a high-quality education through community schools

Was taken up and read the third time.

At nine o'clock and fifty-two minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

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

Thereupon, the bill was passed.

Third Reading; Bill Passed

H. 426

House bill, entitled

An act relating to addressing the needs and conditions of public school facilities in the State

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

Bill Amended; Read Third Time; Bill Passed

H. 434

House bill, entitled

An act relating to establishing the Agricultural Innovation Board

Was taken up, and pending third reading of the bill, **Rep. Norris of Shoreham** moved to amend the bill as follows:

In Sec. 1, 6 V.S.A. chapter 215, subchapter 7A, in section 4964, in subdivision (b)(1), by striking "15" where it appears and inserting in lieu thereof "14"

Which was agreed to. Thereupon, the bill was read the third time and passed.

Second Reading; Bill Amended; Third Reading Ordered**H. 313**

Rep. Birong of Vergennes, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled,

An act relating to miscellaneous amendments to alcoholic beverage laws

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

Sec. 1. 7 V.S.A. § 204 is amended to read:

§ 204. APPLICATION AND RENEWAL FEES FOR LICENSES AND PERMITS; DISPOSITION OF FEES

(a) The following fees shall be paid when applying for a new license or permit or to renew a license or permit:

* * *

(6) For a third-class license, \$1,095.00 for an annual license and \$550.00 for a six-month license. For a stand-alone third-class license, the issuing municipality may assess an additional \$50.00 local processing fee.

* * *

(b) Except for fees collected for first-, second-, and third-class licenses, the fees collected pursuant to subsection (a) of this section shall be deposited in the Liquor Control Enterprise Fund. The other fees shall be distributed as follows:

(1) Third-class license fees: 55 percent shall go to the Liquor Control Enterprise Fund, and 45 percent shall go to the General Fund and shall fund alcohol abuse prevention and treatment programs. The local processing fee for stand-alone third-class licenses shall be retained by the issuing municipality.

* * *

Sec. 2. 7 V.S.A. § 230 is added to read:

§ 230. SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

(a) The Board of Liquor and Lottery and the local control commissioners may authorize:

(1) first- and third-class licensees to sell malt beverages, vinous beverages, and spirits-based prepared drinks for off-premises consumption.

All sales of alcoholic beverages for off-premises consumption must be accompanied by a food order.

(2) second-class licensees to provide curbside pickup of unopened containers of the alcoholic beverages that the licensee is permitted to sell from the licensed premises pursuant to section 222 of this subchapter.

(3) fourth-class licensees to provide curbside pickup of unopened containers of the alcoholic beverages that the licensee is permitted to sell from the licensed location pursuant to section 224 of this subchapter.

(b) For any alcoholic beverage sold pursuant to subdivision (a)(1) of this section, the first- or third-class licensee shall provide the alcoholic beverage in a container:

(1) with a securely affixed tamper-evident seal; and

(2) bearing a label that:

(A) states that the beverage contains alcohol; and

(B) lists the ingredients and serving size.

(c) A licensee may sell alcoholic beverages pursuant to this section between 10:00 a.m. and 11:00 p.m.

(d) The Board of Liquor and Lottery may adopt rules and forms necessary to implement this section.

Sec. 3. 7 V.S.A. § 253 is amended to read:

§ 253. FESTIVAL PERMITS

* * *

(b)(1) A festival required to be permitted under this section is any event that is open to the public for which the primary purpose is to serve one or more of the following: malt beverages, vinous beverages, fortified wines, or spirits.

(c) A festival permit holder is permitted to conduct an event that is open to the public at which one or more of the following are served: malt beverages, vinous beverages, fortified wines, or spirits.

(d) The permit holder shall ensure the following:

(1) Attendees at the festival shall be required to pay an entry fee of not less than \$5.00.

(2)(A) Malt beverages for sampling shall be offered in glasses that contain not more than 12 ounces with not more than 60 ounces served to any patron at one event.

(B) Vinous beverages for sampling shall be offered in glasses that contain not more than five ounces with not more than 25 ounces served to any patron at one event.

(C) Fortified wines for sampling shall be offered in glasses that contain not more than three ounces with not more than 15 ounces served to any patron at one event.

(D) Spirits for sampling shall be offered in glasses that contain not more than one ounce with not more than five ounces served to any patron at one event.

(E) Patrons attending a festival where combinations of malt, vinous, fortified wines, or spirits are mutually sampled shall not be served more than a combined total of six U.S. standard drinks containing 3.6 fluid ounces or 84 grams of pure ethyl alcohol.

(3) The event shall be conducted in compliance with all the requirements of this title.

(e)(1) A festival permit holder may purchase invoiced volumes of malt or vinous beverages directly from a manufacturer or packager licensed in Vermont; or a manufacturer or packager that holds a federal Basic Permit or Brewers Notice or evidence of licensure in a foreign country that is satisfactory to the Board.

(2) The invoiced volumes of malt or vinous beverages may be transported to the site and sold by the glass to the public by the permit holder or its employees and volunteers only during the event.

~~(e)(f)~~ A festival permit holder shall be subject to the provisions of this title, including section 214 of this title, and the rules of the Board regarding the sale of the alcoholic beverages and shall pay the tax on the malt or vinous beverages pursuant to section 421 of this title.

~~(d)(g)~~ A person shall be granted ~~no~~ not more than four festival permits per year, and each permit shall be valid for ~~no~~ not more than four consecutive days.

Sec. 4. 7 V.S.A. § 256 is amended to read:

§ 256. PROMOTIONAL TASTINGS FOR LICENSEES

(a)(1) At the request of a first- or second-class licensee, a holder of a manufacturer's, rectifier's, or wholesale dealer's license may distribute without charge to the first- or second-class licensee's management and staff, provided they are of legal age ~~and are off duty for the rest of the day,~~ two

ounces per person of vinous or malt beverages for the purpose of promoting the beverage.

(2) At the request of a holder of a third-class license, a manufacturer or rectifier of spirits or fortified wines may distribute without charge to the third-class licensee's management and staff, provided they are of legal age ~~and are off duty for the rest of the day~~, one-quarter ounce of each beverage and ~~no~~ not more than a total of one ounce to each individual for the purpose of promoting the beverage.

(3) No permit is required for a tasting pursuant to this subsection, ~~but written notice of the event shall be provided to the Division of Liquor Control at least two days prior to the date of the tasting.~~

* * *

Sec. 5. REPEAL

7 V.S.A. § 230 is repealed on July 1, 2023.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

Rep. Mattos of Milton, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the Committee on General, Housing, and Military Affairs and when further amended by striking out Sec. 6 in its entirety and inserting in lieu thereof the following:

Sec. 6. FEE REDUCTION FOR RENEWAL OF FIRST- AND THIRD-CLASS LICENSES BY CLUBS; TEMPORARY PROVISION

Notwithstanding 7 V.S.A. § 204(a)(4) and (6), in the year 2021, the first- and third-class license renewal fees shall be waived for any club as defined in 7 V.S.A. § 2.

Sec. 7. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that Sec. 6 (Fee reduction for first- and third-class licenses) shall take effect on passage.

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, and the report of the Committee on General, Housing, and Military Affairs was amended as recommended by the Committee on Ways and Means.

Thereupon, the report of the Committee on General, Housing, and Military Affairs, as amended, was agreed to and third reading ordered.

Committee Bill; Second Reading; Third Reading Ordered**H. 431**

Rep. Sims of Craftsbury spoke for the Committee on Energy and Technology.

House bill, entitled

An act relating to miscellaneous energy subjects

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommended the bill ought to pass.

Having appeared on the Calendar for Notice, was taken up, read the second time, and third reading ordered.

Adjournment

At eleven o'clock and four minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 23, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 19.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 27

House concurrent resolution recognizing July 2021 as Park and Recreation Month in Vermont and designating July 16, 2021 as Vermont Park and Recreation Professionals Day

H.C.R. 28

House concurrent resolution honoring Dr. William Ashe for his leadership and service on behalf of Vermonters with developmental and intellectual disabilities

[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 2021, seventy-sixth Biennial session.]

Tuesday, March 23, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. James of Manchester.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 30

A message was received from the Senate by Mr. Marshall, 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. 1. An act relating to extending the baseload renewable power portfolio requirement.

S. 15. An act relating to correcting defective ballots.

S. 16. An act relating to the creation of the Task Force on School Exclusionary Discipline Reform.

S. 115. An act relating to making miscellaneous changes in education laws.

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. 27. House concurrent resolution recognizing July 2021 as Park and Recreation Month in Vermont and designating July 16, 2021 as Vermont Park and Recreation Professionals Day.

H.C.R. 28. House concurrent resolution honoring Dr. William Ashe for his leadership and service on behalf of Vermonters with developmental and intellectual disabilities.

Committee Bill Introduced**H. 436**

By the Committee on Ways and Means,

House bill, entitled

An act relating to miscellaneous changes to Vermont's tax laws

Was read, and pursuant to Rule 48, placed on the Calendar for Notice.

Committee Bill Introduced**H. 437**

By the Committee on Ways and Means,

House bill, entitled

An act relating to changes that affect the revenue of the State

Was read, and pursuant to Rule 48, placed on the Calendar for Notice.

Committee Bill Introduced; Referred to Appropriations**H. 438**

By the Committee on Corrections and Institutions,

House bill, entitled

An act relating to capital construction and State bonding

Pending appearance on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Committee Bill Introduced**H. 439**

By the Committee on Appropriations,

House bill, entitled

An act relating to making appropriations for the support of government

Was read, and pursuant to Rule 48, placed on the Calendar for Notice.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 1

Senate bill, entitled

An act relating to extending the baseload renewable power portfolio requirement

To the Committee on Energy and Technology.

S. 15

Senate bill, entitled

An act relating to correcting defective ballots

To the Committee on Government Operations.

S. 16

Senate bill, entitled

An act relating to the creation of the Task Force on School Exclusionary Discipline Reform

To the Committee on Education.

S. 115

Senate bill, entitled

An act relating to making miscellaneous changes in education laws

To the Committee on Education.

Bill Referred to Committee on Appropriations

H. 157

House bill, entitled

An act relating to registration of construction contractors

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 313

House bill, entitled

An act relating to miscellaneous amendments to alcoholic beverage laws

H. 431

House bill, entitled

An act relating to miscellaneous energy subjects

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 360

Rep. Sibilia of Dover spoke for the Committee on Energy and Technology.

House bill, entitled

An act relating to accelerated community broadband deployment

Rep. Elder of Starksboro, for the Committee on Ways and Means, recommended the bill ought to pass.

Rep. Feltus of Lyndon, for the Committee on Appropriations, recommended that the bill ought to pass when amended as follows:

First: In Sec. 1, findings and intent, in subsection (a), by adding subdivision (18) to read as follows:

(18) The Department of Public Service estimates that 82 percent of Vermont addresses (254,000 locations) lack access to 100 Mbps symmetrical service. The total cost to provide 100 Mbps symmetrical service to each of these locations is approximately \$1,000,000,000.00. This figure is based on estimates in the Magellan Advisors' report commissioned by the Department, and it includes estimates of both fixed and variable capital costs for fiber to the premise infrastructure (*Feasibility Study of Electric Companies Offering Broadband in Vermont*, dated December 31, 2019).

Second: In Sec. 2, 30 V.S.A. chapter 91A, in section 8087, the Community Broadband Preconstruction Grant Program, by adding subsection (c) to read as follows:

(c) To ensure the expeditious allocation of funds prior to the organization of the Vermont Community Broadband Authority, the Department of Public Service is authorized to allocate up to \$9,000,000.00 under this Program on or before September 30, 2021.

Third: In Sec. 2, 30 V.S.A. chapter 91A, by striking out section 8088 in its entirety and inserting in lieu thereof a new section 8088 to read as follows:

§ 8088. CONSTRUCTION GRANT AND SUBORDINATED DEBT PROGRAM

(a) The Authority shall establish the Construction Grant and Subordinated Debt Program for communications union districts to support projects that are consistent with the funding priorities established in section 8086 of this chapter, including by supplementing financing under the Vermont Economic Development Authority's Broadband Expansion Loan Program.

(b) Lending and grant decisions under this section shall be made by the Vermont Community Broadband Authority Board of Directors. The Vermont Economic Development Authority shall service all loans made pursuant to this section. In the event of default by a loan recipient, the Vermont Economic Development Authority shall consult with the Vermont Community Broadband Authority prior to commencing any collection action.

Fourth: In Sec. 4a, position transfer, after the first sentence, by adding a new second sentence to read as follows: The position shall remain in the classified service created in 3 V.S.A. chapter 13.

Fifth: By striking out Sec. 23, appropriations; fund transfers, in its entirety and inserting in lieu thereof a new Sec. 23 to read as follows:

Sec. 23. APPROPRIATIONS; GRANT ADMINISTRATION

(a)(1) To the extent necessary, for appropriations using federal funds provided to the State by the American Rescue Plan Act of 2021 (ARPA), the Commissioner of Finance and Management is authorized to expend the funds in anticipation of receipts.

(2) In fiscal year 2021, to the extent permitted by federal law and guidance, \$150,000,000.00 of federal funds allocated to the State by the ARPA shall be appropriated as follows:

(A) \$30,000,000.00 to the Vermont Community Broadband Fund to support the Community Broadband Preconstruction Grant Program established in Sec. 2, 30 V.S.A. § 8087, of this act;

(B) \$120,000,000.00 to the Vermont Community Broadband Fund to support the Construction Grant and Subordinated Debt Program established in Sec. 2, 30 V.S.A. § 8088, of this act; and

(3) In fiscal year 2021, to the extent permitted by federal law and guidance, \$100,000.00 of federal funds allocated to the State by the ARPA shall be appropriated to the Department of Labor to support the broadband occupational needs survey required by Sec. 20 of this act and the broadband installer apprenticeship program established in Sec. 22 of this act as follows:

(A) \$3,000.00 to finance the development of the apprenticeship program;

(B) \$90,000.00 to support the related instruction tuition and on-the-job training contracts with employer-sponsors under the apprenticeship program; and

(C) \$7,000.00 to support non-federally funded work related to developing, conducting, and reporting on the occupational needs survey.

(c) In fiscal year 2022, the Authority is authorized to expend \$500,000.00 in anticipated receipts pursuant to 30 V.S.A. § 7523(b) (0.4 percent of the Vermont Universal Service Charge) to support the start-up costs of the Vermont Community Broadband Authority.

(d) The Vermont Community Broadband Authority shall be redesignated as the responsible entity for administering the \$1,000,000.00 grant award to the

Department of Public Service by the Northern Border Regional Commission (NBRC) for the purpose of supporting communications union districts. Any position funded by the grant shall be overseen and managed by the Authority in a manner that is consistent with grant terms and conditions.

Having appeared on the Calendar for Notice, 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. Marcotte of Coventry, Jerome of Brandon, Kimbell of Woodstock, Kitzmiller of Montpelier, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Nigro of Bennington, and White of Bethel** moved to amend the bill as follows:

In Sec. 2, 30 V.S.A. § 8083, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) In making appointments of public members, the appointing authorities shall coordinate to ensure that at least one of the public members has expertise in the area of finance. In addition, the appointing authorities shall give consideration to persons with knowledge of communications technology; communications law and policy; broadband deployment in rural, high-cost areas; and electric utility law and policy. However, the public members may not be persons with a financial interest in or owners, employees, or members of a governing board of an Internet service provider or a communications union district. The conflict of interest provision in this subsection shall not be construed to disqualify a member who has ownership in a mutual fund, exchange traded fund, pension plan, or similar entity that owns shares in such enterprises as part of a broadly diversified portfolio.

Which was agreed to.

Rep. Long of Newfane presiding.

Rep. Krowinski of Burlington presiding.

Pending the question, Shall the bill be read a third time?, **Rep. Briglin of Thetford** 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, 145. Nays, 1.

Those who voted in the affirmative are:

Achey of Middletown
Springs
Ancel of Calais

Goslant of Northfield
Grad of Moretown
Graham of Williamstown

O'Brien of Tunbridge
Ode of Burlington
Page of Newport City

Anthony of Barre City	Gregoire of Fairfield	Pajala of Londonderry
Arrison of Weathersfield	Hango of Berkshire	Palasik of Milton
Austin of Colchester	Harrison of Chittenden	Parsons of Newbury
Bartholomew of Hartland	Higley of Lowell	Partridge of Windham
Batchelor of Derby	Hooper of Montpelier	Patt of Worcester
Beck of St. Johnsbury	Hooper of Randolph	Pearl of Danville
Birong of Vergennes	Hooper of Burlington	Peterson of Clarendon
Black of Essex	Houghton of Essex	Rachelson of Burlington
Bluemle of Burlington	Howard of Rutland City	Redmond of Essex
Bock of Chester	James of Manchester	Rogers of Waterville
Bongartz of Manchester	Jerome of Brandon	Rosenquist of Georgia
Bos-Lun of Westminster	Jessup of Middlesex	Satcowitz of Randolph
Brady of Williston	Killacky of South Burlington	Savage of Swanton
Brennan of Colchester	Kimbell of Woodstock	Scheu of Middlebury
Briglin of Thetford	Kitzmiller of Montpelier	Scheuermann of Stowe
Brown of Richmond	Kornheiser of Brattleboro	Shaw of Pittsford
Brownell of Pownal	LaClair of Barre Town	Sheldon of Middlebury
Brumsted of Shelburne	LaLonde of South	Sibilia of Dover
Burditt of West Rutland	Burlington	Sims of Craftsbury *
Burke of Brattleboro	Lanpher of Vergennes	Small of Winooski
Burrows of West Windsor	Lefebvre of Newark	Smith of Derby
Campbell of St. Johnsbury	Lefebvre of Orange	Smith of New Haven
Canfield of Fair Haven	Leffler of Enosburgh	Squirrell of Underhill
Chase of Colchester	Lippert of Hinesburg	Stebbins of Burlington
Christie of Hartford	Long of Newfane	Stevens of Waterbury
Cina of Burlington	Marcotte of Coventry	Strong of Albany
Coffey of Guilford *	Martel of Waterford	Sullivan of Dorset
Colburn of Burlington	Martin of Franklin *	Surprenant of Barnard
Colston of Winooski	Masland of Thetford	Taylor of Colchester
Conlon of Cornwall	Mattos of Milton	Terenzini of Rutland Town
Copeland Hanzas of	McCarthy of St. Albans City	Till of Jericho
Bradford	McCormack of Burlington	Toleno of Brattleboro
Corcoran of Bennington	McCoy of Poultney	Toof of St. Albans Town
Cordes of Lincoln	McCullough of Williston	Townsend of South
Cupoli of Rutland City	McFaun of Barre Town	Burlington
Dickinson of St. Albans	Morgan, L. of Milton	Troiano of Stannard
Town	Morgan, M. of Milton	Vyhovsky of Essex
Dolan of Essex	Morrissey of Bennington	Walz of Barre City
Dolan of Waitsfield	Mrowicki of Putney	Webb of Shelburne
Donahue of Northfield	Mulvaney-Stanak of	White of Bethel
Donnally of Hyde Park	Burlington	White of Hartford
Durfee of Shaftsbury	Murphy of Fairfax	Whitman of Bennington
Elder of Starksboro	Nicoll of Ludlow	Williams of Granby
Emmons of Springfield	Nigro of Bennington	Wood of Waterbury
Fagan of Rutland City	Norris of Sheldon	Yacovone of Morristown
Feltus of Lyndon	Norris of Shoreham	Yantachka of Charlotte
Gannon of Wilmington	Notte of Rutland City	
Goldman of Rockingham	Noyes of Wolcott	

Those who voted in the negative are:

Morris of Springfield *

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

Helm of Fair Haven

Pugh of South Burlington

Seymour of Sutton

Rep. Coffey of Guilford explained her vote as follows:

“Madam Speaker:

Without high-speed internet, rural economies wither, young people seek better opportunity elsewhere, and many older Vermonters become more isolated and left behind. We are at a historic moment to bridge the urban-rural divide and bring rural Vermont up to 21st century speed. I enthusiastically vote yes.”

Rep. Martin of Franklin explained his vote as follows:

“Madam Speaker:

I voted yes to this bill because I recognize the importance of reaching the last mile in broadband coverage. I hope that the CUD’s work closely with independent ISP’s who have worked so hard to provide internet to its people over the years. In my own town our telephone company has provided exceptional fiber service to its customers for many years and I hope that this bill will ultimately provide the resources these companies need to reach that last mile.”

Rep. Morris of Springfield explained his vote as follows:

“Madam Speaker:

I truly support the underlying intent of this bill to bring high-speed broadband service to our remote areas for connecting all Vermonters to the world. However, by excluding the private Internet Service Provider companies, that arguably have installed much of the existing infrastructure and eliminating them from the benefit of this bill, all Vermonters will not be served. We want all our remote learners and business employees to have adequate broadband service, private business is needed to make this happen.”

Rep. Sims of Craftsbury explained her vote as follows:

“Madam Speaker:

H. 360 offers a clear and bold community-based strategy for achieving universal access to broadband. The promise of modern communications has bypassed too many of our rural communities in Vermont. I was proud to vote

yes because we have a one-in-a-generation opportunity to finally address our digital divide.”

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 430

Rep. Black of Essex spoke for the Committee on Health Care.

House bill, entitled

An act relating to expanding eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals regardless of immigration status

Rep. Yacovone of Morristown, for the Committee on Appropriations, recommended that the bill ought to pass when amended as follows:

By striking out Secs. 2–4 in their entireties and inserting in lieu thereof three new sections to be Secs. 2–4 to read as follows:

Sec. 2. AGENCY OF HUMAN SERVICES; OUTREACH AND PROVIDER GRANTS; IMPLEMENTATION; APPROPRIATION

(a) The sum of \$1,400,000.00 in one-time funds is appropriated to the Agency of Human Services in fiscal year 2022 to be used for the following purposes:

(1) grants or reimbursements, or both, to health care providers for delivering health care services during fiscal year 2022 to children and pregnant individuals who are undocumented immigrants;

(2) grants to Vermont organizations that work with members of Vermont’s undocumented immigrant community or with members of the health care provider community to provide outreach and information regarding opportunities for children and pregnant individuals in Vermont who are undocumented immigrants to access health care services at low or no cost in fiscal year 2022 and thereafter; and

(3) implementing the technological and operational processes necessary for the Department of Vermont Health Access to administer the Dr. Dynasaur expansion as set forth in 33 V.S.A. § 1901c beginning on July 1, 2022.

Sec. 3. AGENCY OF HUMAN SERVICES; DR. DYNASAUR EXPANSION; FISCAL YEAR 2023 ESTIMATE

The Agency of Human Services shall provide information on the estimated fiscal year 2023 costs of expanding Dr. Dynasaur eligibility to undocumented immigrants pursuant to 33 V.S.A. § 1901c beginning on July 1, 2022 as part of the Agency’s fiscal year 2023 budget presentation to the House Committees on

Appropriations and on Health Care and the Senate Committees on Appropriations and on Health and Welfare.

Sec. 4. EFFECTIVE DATES

(a) Sec. 2 (Agency of Human Services; outreach and provider grants; implementation; appropriation) shall take effect on July 1, 2021.

(b) The remaining sections shall take effect on passage, with the Agency of Human Services making coverage available to eligible undocumented immigrants under Dr. Dynasaur in accordance with Sec. 1 (33 V.S.A. § 1901c) beginning on July 1, 2022, subject to fiscal year 2023 appropriations for this purpose.

Having appeared on the Calendar for Notice, was taken up, read the second time, the report of the Committee on Appropriations agreed to, and third reading ordered.

Recess

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

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

Committee Bill; Second Reading; Third Reading Ordered

H. 433

Rep. Lanpher of Vergennes spoke for the Committee on Transportation.

House bill, entitled

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

Rep. Long of Newfane presiding.

Rep. Helm of Fair Haven, for the Committee on Appropriations, recommended the bill ought to pass.

Having appeared on the Calendar for Notice, was taken up, read the second time, and third reading ordered.

Message from the Senate No. 31

A message was received from the Senate by Mr. Marshall, 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. 20. An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products.

S. 30. An act relating to prohibiting possession of firearms within hospital buildings.

S. 47. An act relating to motor vehicle manufacturers, dealers, and warranty or service facilities.

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

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 117. An act relating to extending health care regulatory flexibility during and after the COVID-19 pandemic and to coverage of health care services delivered by audio-only telephone.

And has concurred therein.

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

J.R.S. 20. Joint resolution relating to weekend adjournment.

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. 5. Joint resolution authorizing, subject to the determination of and limitations that the Sergeant at Arms may establish, the Green Mountain Boys State educational program to use the State House.

And has adopted the same in concurrence.

Adjournment

At two o'clock and twelve minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

Wednesday, March 24, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 20

Senate bill, entitled

An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products

To the Committee on Human Services.

S. 30

Senate bill, entitled

An act relating to prohibiting possession of firearms within hospital buildings

To the Committee on Judiciary.

S. 47

Senate bill, entitled

An act relating to motor vehicle manufacturers, dealers, and warranty or service facilities

To the Committee on Transportation.

Joint Resolution Adopted in Concurrence

J.R.S. 20

By Senator Balint,

J.R.S. 20. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 26, 2021, it be to meet again no later than Tuesday, March 30, 2021.

Was taken up, read, and adopted in concurrence.

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

S. 39

Rep. Grad of Moretown moved that the Committee on Judiciary be relieved of House bill, entitled

An act relating to the Judicial Branch fee report and electronic filing fees

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

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

S. 107

Rep. Grad of Moretown moved that the Committee on Judiciary be relieved of House bill, entitled

An act relating to confidential information concerning the initial arrest and charge of a juvenile

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

Amendment Offered; Read Third Time; Bill Passed

H. 360

House bill, entitled

An act relating to accelerated community broadband deployment

Was taken up and, pending third reading of the bill, **Rep. Mulvaney-Stanak of Burlington** moved to amend the bill as follows:

First: In Sec. 2, 30 V.S.A. chapter 91A, by adding section 8086a to read as follows:

§ 8086a. WAGE AND INSURANCE REQUIREMENTS

A communications union district awarded a grant or loan under this chapter for broadband deployment shall ensure that any employee funded through such grant or loan receives the most recent livable wage calculated by the Joint Fiscal Office pursuant to 2 V.S.A. § 526 or the mean prevailing wage for the relevant occupation as published periodically by the Vermont Department of Labor in its occupational employment and wage survey, whichever is higher, and employer-provided health insurance.

Second: In Sec. 2, 30 V.S.A. chapter 91A, section 8089, after the second sentence, by adding a new third sentence to read as follows: The report also shall include the number of jobs funded through grants or loans awarded under this chapter, the length of such employment, and confirmation that loan and grant recipients have complied with the wage and insurance requirements in section 8086a of this chapter.

Which was disagreed to in a vote by division: Yeas, 15; Nays, 117. 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. 430

House bill, entitled

An act relating to expanding eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals regardless of immigration status

H. 433

House bill, entitled

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

Second Reading; Bill Amended; Third Reading Ordered

H. 152

Rep. Beck of St. Johnsbury, for the Committee on Ways and Means, to which had been referred House bill, entitled

An act relating to education property tax

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

* * * Yields; Nonhomestead Rate * * *

Sec. 1. PROPERTY DOLLAR EQUIVALENT YIELD, INCOME DOLLAR EQUIVALENT YIELD, AND NONHOMESTEAD RATE FOR FISCAL YEAR 2022

(a) Pursuant to 32 V.S.A. § 5402b(b), for fiscal year 2022 only, the property dollar equivalent yield shall be \$11,317.00.

(b) Pursuant to 32 V.S.A. § 5402b(b), for fiscal year 2022 only, the income dollar equivalent yield shall be \$13,770.00.

(c) Notwithstanding 32 V.S.A. § 5402(a)(1) and any other provision of law to the contrary, the tax rate for nonhomestead property for fiscal year 2022 shall be \$1.612 per \$100.00 of equalized education property value.

* * * Exclusion from Excess Spending Penalty; Capital Project Costs * * *

Sec. 2. 16 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

As used in this chapter:

* * *

(6) “Education spending” means the amount of the school district budget, any assessment for a joint contract school, career technical center payments made on behalf of the district under subsection 1561(b) of this title, and any amount added to pay a deficit pursuant to 24 V.S.A. § 1523(b) that is paid for by the school district, but excluding any portion of the school budget paid for from any other sources such as endowments, parental fundraising, federal funds, nongovernmental grants, or other State funds such as special education funds paid under chapter 101 of this title.

(A) [Repealed.]

(B) 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; ~~and~~ 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.

* * *

* * * Declining Enrollment; 3.5 Percent Hold Harmless * * *

Sec. 3. 16 V.S.A. § 4010 is amended to read:

§ 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

* * *

(f) For purposes of determining weighted membership under this section, a district's equalized pupils shall in no case be less than 96 and one-half percent of the actual number of equalized pupils in the district in the previous year, prior to making any adjustment under this section.

* * *

* * * Small Schools Grants * * *

Sec. 4. 16 V.S.A. § 4015 is amended to read

* * *

(f)(1) Notwithstanding anything to the contrary in this section, a school district that received a small schools grant in fiscal year 2020 shall continue to receive an annual small schools grant.

(2) Payment of the grant under this subsection shall continue annually unless explicitly repealed by the General Assembly; provided, however, that the Secretary shall discontinue payment of the grant in the fiscal year following the cessation of operations of the school that made the district eligible for the small schools grant, and further provided that if the building that houses the school that made the district eligible for the small schools grant is consolidated with another school into a renovated or new school building, then the Secretary shall continue to pay the grant during the repayment term of

any bonded indebtedness incurred in connection with the consolidation-related renovation or construction.

(3) A school district that is eligible to receive an annual small schools grant under this subsection shall not also be eligible to receive a small school grant or its equivalent under subsection (b) of this section or under any other provision of law.

* * * Effective Dates * * *

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 3–4 (3.5 percent hold harmless; small schools grant) shall take effect on passage.

(b) Secs. 1 (yield and nonhomestead property tax rate) and 2 (excess spending threshold) shall take effect on July 1, 2021.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 153

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

An act relating to Medicaid reimbursement rates for home- and community-based service providers

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

Sec. 1. 33 V.S.A. § 900 is amended to read:

§ 900. DEFINITIONS

~~Unless otherwise required by the context, the words and phrases in this chapter shall be defined as follows~~ As used in this chapter:

* * *

(7) “Home- and community-based services” means long-term services and supports provided to older adults and adults with physical disabilities in a home or community setting other than a nursing home, including enhanced residential care services, pursuant to the Choices for Care component of Vermont’s Global Commitment to Health Section 1115 Medicaid demonstration or a successor program. “Home- and community-based

services” also includes non-Choices for Care home health and hospice services, adult day rehabilitation services, assistive community care services, and services for individuals with traumatic brain injury.

Sec. 2. 33 V.S.A. § 911 is added to read:

§ 911. PAYMENT RATES FOR PROVIDERS OF HOME- AND
COMMUNITY-BASED SERVICES

(a) The Secretary of Human Services shall establish payment rates for providers of home- and community-based services that are reasonable and adequate to achieve the required outcomes for the populations they serve. When establishing payment rates for home- and community-based service providers, the Secretary shall adjust the rates to take into account factors that include:

(1) the reasonable cost of any governmental mandate that has been enacted, adopted, or imposed by any State or federal authority; and

(2) a cost adjustment factor to reflect changes in reasonable costs of goods to and services of providers of home- and community-based services, including those attributed to inflation and labor market dynamics.

(b) When establishing rates of payment for providers of home- and community-based services, the Secretary may consider geographic differences in wages, benefits, housing, and real estate costs in each region of the State.

(c) The Secretary shall adopt rules setting forth the methodology for establishing payment rates for providers of home- and community-based services in accordance with this section. The rules shall include a process for determining an annual inflationary rate adjustment, shall set forth a predictable timeline for redetermination of base rates, and shall use Vermont labor market rates and Vermont costs of operation.

Sec. 3. 18 V.S.A. § 8914 is amended to read:

§ 8914. RATES OF PAYMENTS TO DESIGNATED AND SPECIALIZED
SERVICE AGENCIES

* * *

(c) The Secretary shall adopt rules setting forth the methodology for establishing payment rates for services provided by designated and specialized service agencies to individuals with mental conditions, individuals with substance use disorders, and individuals with developmental or intellectual disabilities in accordance with this section. The rules shall include a process for determining an annual inflationary rate adjustment, shall set forth a

predictable timeline for redetermination of base rates, and shall use Vermont labor market rates and Vermont costs of operation.

Sec. 4. HOME- AND COMMUNITY-BASED SERVICE PROVIDER
RATE STUDY; REPORT

(a) The Department of Vermont Health Access, in collaboration with the Departments of Disabilities, Aging, and Independent Living, of Health, and of Mental Health, shall conduct a rate study of the Medicaid reimbursement rates paid to providers of home- and community-based services, as defined in 33 V.S.A. § 900, and providers of substance use disorder treatment services, including their adequacy and the methodologies underlying the rates. As part of the rate study, the Department of Vermont Health Access shall:

(1) delineate a reasonable and predictable schedule for Medicaid rates and rate updates;

(2) identify ways to align Medicaid reimbursement methodologies and rates for providers of home- and community-based services with those of other payers, to the extent such other methodologies and rates exist; and

(3) determine ways to limit the number of methodological exceptions.

(b) On or before January 15, 2022, the Department of Vermont Health Access, in collaboration with the Departments of Disabilities, Aging, and Independent Living, of Health, and of Mental Health, shall report the results of the rate study conducted pursuant to this section and their findings and recommendations to the House Committees on Human Services and on Appropriations, the Senate Committees on Health and Welfare and on Appropriations, and the Secretary of Human Services.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage, with the rules adopted by the Secretary of Human Services pursuant to Secs. 2 (33 V.S.A. § 911) and 3 (18 V.S.A. § 8914) taking effect on July 1, 2022 for rates effective beginning in fiscal year 2023.

Rep. Yacovone of Morristown, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Human Services and when further amended as follows:

First: By striking out Secs. 2, 33 V.S.A. § 911, and 3, 18 V.S.A. § 8914, in their entireties and inserting in lieu thereof new Secs. 2 and 3 to read as follows:

Sec. 2. 33 V.S.A. § 911 is added to read:

§ 911. PAYMENT RATES FOR PROVIDERS OF HOME- AND
COMMUNITY-BASED SERVICES

(a) The Secretary of Human Services shall determine payment rates for providers of home- and community-based services that are reasonable and adequate to achieve the required outcomes for the populations they serve. When determining these payment rates, the Secretary shall adjust the rate amounts to take into account factors that include:

(1) the reasonable cost of any governmental mandate that has been enacted, adopted, or imposed by any State or federal authority; and

(2) a cost adjustment factor to reflect changes in reasonable costs of goods to and services of providers of home- and community-based services, including those attributed to inflation and labor market dynamics.

(b) When determining reasonable and adequate rates of payment for providers of home- and community-based services, the Secretary may consider geographic differences in wages, benefits, housing, and real estate costs in each region of the State.

(c) The Secretary shall adopt rules setting forth the methodology for determining payment rates for providers of home- and community-based services in accordance with this section. The rules shall include a process for determining an annual inflationary rate adjustment, shall set forth a predictable timeline for redetermination of base rates, and shall use Vermont labor market rates and Vermont costs of operation.

(d) The Secretary shall redetermine the payment rates for providers of home- and community-based services in accordance with this section at least annually and shall report those rates, and the amounts necessary to fund them, to the House Committees on Appropriations, on Human Services, and on Health Care and the Senate Committees on Appropriations and on Health and Welfare annually as part of the Agency's budget presentation.

Sec. 3. 18 V.S.A. § 8914 is amended to read:

§ 8914. RATES OF PAYMENTS TO DESIGNATED AND SPECIALIZED
SERVICE AGENCIES

(a) The Secretary of Human Services shall ~~have sole responsibility for establishing~~ determine the Departments of Health's, of Mental Health's, and of Disabilities, Aging, and Independent Living's rates of payments for designated and specialized service agencies that are reasonable and adequate to achieve the required outcomes for designated populations. When ~~establishing~~

~~determining these rates of payment for designated and specialized service agencies~~, the Secretary shall adjust rates the rate amounts to take into account factors that include:

(1) the reasonable cost of any governmental mandate that has been enacted, adopted, or imposed by any State or federal authority; and

(2) a cost adjustment factor to reflect changes in reasonable costs of goods to and services of designated and specialized service agencies, including those attributed to inflation and labor market dynamics.

(b) When ~~establishing~~ determining reasonable and adequate rates of payment for designated and specialized service agencies, the Secretary may consider geographic differences in wages, benefits, housing, and real estate costs in each region of the State.

(c) The Secretary shall adopt rules setting forth the methodology for determining the payment rates for services provided by designated and specialized service agencies to individuals with mental conditions, individuals with substance use disorders, and individuals with developmental or intellectual disabilities in accordance with this section. The rules shall include a process for determining an annual inflationary rate adjustment, shall set forth a predictable timeline for redetermination of base rates, and shall use Vermont labor market rates and Vermont costs of operation.

(d) The Secretary shall redetermine the payment rates for designated and specialized agencies in accordance with this section at least annually and shall report those rates, and the amounts necessary to fund them, to the House Committees on Appropriations, on Human Services, and on Health Care and the Senate Committees on Appropriations and on Health and Welfare annually as part of the Agency's budget presentation.

Second: By striking out Sec. 5, effective date, in its entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage, with the rules adopted by the Secretary of Human Services pursuant to Secs. 2 (33 V.S.A. § 911) and 3 (18 V.S.A. § 8914) taking effect on or before July 1, 2022.

Rep. Yacovone of Morrisville moved to amend the report of the Committee on Appropriations as follows:

In the first instance of amendment, in Sec. 3, 18 V.S.A. § 8914, in subsection (d), by inserting "service" following "specialized"

Which was agreed to.

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, and the report of the Committee on Human Services was amended as recommended by the Committee on Appropriations, as amended. Thereafter, the report of the Committee on Human Services, as amended, was agreed to and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 159

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

An act relating to creating the Better Places Program

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

* * * Tourism and Marketing * * *

Sec. 1. TOURISM AND MARKETING; APPROPRIATION

(a) The tourism and hospitality sector has suffered widespread disruption from the COVID-19 pandemic, with restaurant, lodging, entertainment, specialty retail and related businesses, as well as cultural attractions, suffering job losses and an uncertain ability to remain operational due to the travel restrictions imposed and the revenue losses that have been experienced.

(b) When travel is safe again, Vermont will have a strategic opportunity coming out of the pandemic to encourage visitation due our abundance of open space, strong cultural and outdoor recreation assets, and careful management of the virus.

(c) In fiscal year 2022, the amount of \$1,000,000.00 is appropriated from the General Fund to the Department of Tourism and Marketing to promote Vermont's travel, recreation, culinary, arts, culture, agritourism, and heritage experiences to attract visitors, and stimulate visitor spending with local attractions and small businesses in rural communities and throughout the State.

* * * Technology-Based Economic Development * * *

Sec. 2. TECHNOLOGY-BASED ECONOMIC DEVELOPMENT PROGRAM; APPROPRIATION

(a) In fiscal year 2022, the amount of \$1,000,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to design and implement a technology-based economic development program, consistent with the following:

(1) Small business innovation research; small business technical transfer; technical assistance. A total of \$200,000.00 to provide technical assistance to first-time applicants pursuing a federal SBIR or STTR grant.

(2) SBIR; STTR; Phase I and Phase II matching grants. A total of \$400,000.00 to provide a 50 percent State matching grant, up to \$50,000.00, to businesses that receive a federal SBIR/STTR Phase I or Phase II grant.

(3) Industry research partnership program. A total of \$200,000.00 to provide a 100 percent matching grant to Vermont small businesses:

(A) to purchase services and technical assistance from universities and research institutions, including research and development assistance, technology assessments, product prototyping, lab validation, and overcoming development hurdles; and

(B) to establish better relationships among Vermont businesses and higher education researchers, speed time-to-market for new technologies, and help keep Vermont companies relevant in the marketplace.

(4) University of Vermont Office of Engagement. A total of \$200,000.00 for a pass-through grant to the University of Vermont Office of Engagement to leverage the research services and data science capabilities of the University.

* * * Postsecondary CTE System * * *

Sec. 3. 2019 Acts and Resolves No. 80, Sec. 6 is amended to read:

Sec. 6. POSTSECONDARY CAREER AND TECHNICAL EDUCATION
SYSTEM

(a) Findings; purpose.

(1) Findings. The General Assembly finds:

(A) Like many rural states, Vermont faces demographic realities that have resulted in an historically low unemployment rate and created obstacles for employers that seek to hire and retain enough fully trained employees.

(B) Notwithstanding this high employer demand, due to rapidly changing technology and evolving business needs, potential employees may lack the particular skills and training necessary to qualify for available jobs.

(C) In order to assist employers and employees in matching demand to requisite skills, Vermont has a broad diversity of postsecondary workforce education and training programs offered by multiple providers, including programs administered or funded by State government, educational institutions, and business-lead groups such as the Vermont Talent Pipeline

~~Management Project.~~ The State should continue to work closely with these providers to identify and meet the needs of employers and employees.

* * *

(b) Postsecondary CTE System.

(1) The Department of Labor, in collaboration with the Agency of Education, the Vermont State Colleges, and the Vermont Adult Technical Education Association, ~~and any shall:~~

~~(A) consultant the Department hires for that purpose, issue a request for proposals and hire a consultant on or before September 1, 2021; and~~

~~(B) shall consider and report to the General Assembly on the design, implementation, and costs of an integrated postsecondary career and technical education system that achieves the results specified in subdivision (a)(2) of this section.~~

(2) In performing their work, the Department, stakeholders, and ~~any the~~ consultant shall conduct a broad-based stakeholder engagement process to solicit input from interested parties, and State agencies and departments shall provide necessary information and assistance within their relative areas of expertise.

(c) Report. On or before January 15, ~~2020~~ 2022, the Department of Labor shall submit a preliminary report on the status of its work and a final report on or before December 15, 2022 with any recommendations for legislative action to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs.

(d) In performing its work to create an integrated postsecondary career and technical education system, the Department shall recognize issues faced by persons with historical barriers to employment or who are underrepresented in the workforce, including persons who have faced discrimination based on race, sex, sexual orientation, gender identity, age, refugee status, and national origin; persons in recovery; persons with a history of incarceration; and persons with disabilities.

Sec. 4. APPROPRIATION

In fiscal year 2022, the amount of \$75,000.00 is appropriated from the General Fund to the Department of Labor to implement Sec. 3 of this act.

* * * Group Insurance; Northern Borders Regional Commission * * *

Sec. 5. 3 V.S.A. § 631 is amended to read:

§ 631. GROUP INSURANCE FOR STATE EMPLOYEES; SALARY
DEDUCTIONS FOR INSURANCE, SAVINGS PLANS, AND
CREDIT UNIONS

(a)(1) The Secretary of Administration may contract on behalf of the State with any insurance company or nonprofit association doing business in this State to secure the benefits of franchise or group insurance. Beginning July 1, 1978, the terms of coverage under the policy shall be determined under section 904 of this title, but it may include:

(A) life, disability, health, and accident insurance and benefits for any class or classes of State employees; and

(B) hospital, surgical, and medical benefits for any class or classes of State employees or for those employees and any class or classes of their dependents.

(2)(A)(i) As used in this section, the term “employees” includes any class or classes of elected or appointed officials, State’s Attorneys, sheriffs, employees of State’s Attorneys’ offices whose compensation is administered through the State of Vermont payroll system, except contractual and temporary employees, and deputy sheriffs paid by the State of Vermont pursuant to 24 V.S.A. § 290(b). The term “employees” shall not include members of the General Assembly as such, any person rendering service on a retainer or fee basis, members of boards or commissions, or persons other than employees of the Vermont Historical Society, ~~the Vermont Film Corporation~~, the Vermont State Employees’ Credit Union, Vermont State Employees’ Association, ~~and~~ the Vermont Council on the Arts, and the Northern Border Regional Commission, whose compensation for service is not paid from the State Treasury, or any elected or appointed official unless the official is actively engaged in and devoting substantially full-time to the conduct of the business of his or her public office.

(ii) For purposes of group hospital-surgical-medical expense insurance, the term “employees” shall include employees as defined in subdivision (i) of this subdivision (2)(A) and former employees as defined in this subdivision who are retired and are receiving a retirement allowance from the Vermont State Retirement System or the State Teachers’ Retirement System of Vermont and, for the purposes of group life insurance only, are retired on or after July 1, 1961, and have completed 20 creditable years of service with the State before their retirement dates and are insured for group life insurance on their retirement dates.

(iii) For purposes of group hospital-surgical-medical expense insurance only, the term “employees” shall include employees as defined in

subdivision (i) of this subdivision (2)(A) and employees who are receiving a retirement allowance based upon their employment with the Vermont State Employees' Association, the Vermont State Employees' Credit Union, the Vermont Council on the Arts, as long as they are covered as active employees on their retirement date, and:

- (I) they have at least 20 years of service with that employer; or
- (II) have attained 62 years of age; and have at least 15 years of service with that employer.

(B) The premiums for extending insurance coverage to employees shall be paid in full by the Vermont Historical Society, ~~the Vermont Film Corporation~~, the Vermont State Employees' Association, the Vermont State Employees' Credit Union, the Vermont Council on the Arts, and the Northern Border Regional Commission, or their respective retirees. Nothing herein creates a legal obligation on the part of the State of Vermont to pay any portion of the premiums required to extend insurance coverage to this group of employees.

* * *

* * * Better Places Program * * *

Sec. 6. FINDINGS; INTENT AND PURPOSE

(a) The General Assembly finds:

(1) The COVID-19 pandemic has devastated our economy through business closures and job losses, and physical distancing requirements have exacerbated social isolation and impacted Vermonters' quality of life and sense of community.

(2) Public spaces are essential for supporting economic activity and health and well-being throughout the pandemic and for building engaged, equitable, and resilient communities in the future.

(3) Vermont's downtowns and villages increasingly depend on inviting public spaces that are robustly programmed to restore our distinct sense of place; strengthen community pride and identity; and attract businesses, jobs, and talent.

(4) Placemaking projects intentionally leverage the power of the arts and cultural assets to strengthen the economic and social fabric of communities and allow for growth and transformation that builds upon local and regional character, culture, and quality of place.

(5) Research shows that community-driven placemaking projects increase economic and civic vitality and create spaces where commerce

thrives, social connections flourish, civic participation increases, and residents are empowered to take ownership of their future to build healthier and equitable local economies.

(b) It is the intent of the General Assembly to:

(1) enhance the livability and unique sense of place in Vermont's downtowns and villages by providing funding, training, and resources to support investments in public spaces and local placemaking projects that build prosperous, equitable, healthy, and resilient communities;

(2) promote healthy, safe, equitable, and vibrant downtowns, villages, and neighborhoods for people of all ages, abilities, backgrounds, and incomes by increasing public space and placemaking investments in local communities;

(3) strategically coordinate and simplify the funding process from multiple community development funders, streamline the grantmaking and distribution process, democratize community access to grant funds, and provide communities a nimble, flexible source to quickly fund and launch community-driven placemaking projects to make positive and enduring change locally; and

(4) help local leaders identify, develop, and implement placemaking projects by creating the Better Places Program to advance local recovery efforts, rebuild local economies, boost local capacity, and reconnect Vermonters to one another—critical elements that help communities recover quickly and build prosperous and resilient communities in the future.

Sec. 7. 24 V.S.A. § 2799 is added to read:

§ 2799. BETTER PLACES PROGRAM; CROWD GRANTING

(a)(1) There is created the Better Places Program within the Department of Housing and Community Development, and the Better Places Fund, which the Department shall manage pursuant to 32 V.S.A. chapter 7, subchapter 5.

(2) The purpose of the Program is to utilize crowdfunding to spark community revitalization through collaborative grantmaking for projects that create, activate, or revitalize public spaces.

(3) The Department may administer the Program in coordination with and support from other State agencies and nonprofit and philanthropic partners.

(b) The Fund is composed of the following:

(1) State or federal funds appropriated by the General Assembly;

(2) gifts, grants, or other contributions to the Fund; and

(3) any interest earned by the Fund.

(c) As used in this section, “public space” means an area or place that is open and accessible to all people with no charge for admission and includes village greens, squares, parks, community centers, town halls, libraries, and other publicly accessible buildings and connecting spaces such as sidewalks, streets, alleys, and trails.

(d)(1) The Department of Housing and Community Development shall establish an application process, eligibility criteria, and criteria for prioritizing assistance for awarding grants through the Program.

(2) The Department may award a grant to a municipality, a nonprofit organization, or a community group with a fiscal sponsor for a project that is located in or serves a designated downtown, village center, new town center, or neighborhood development area that will create a new public space or revitalize or activate an existing public space.

(3) The Department may award a grant to not more than one project 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 \$50,000.00.

(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 25 percent and not more than 50 percent of the grant award, provided that the Department may adjust the matching requirements within this range if necessary due to demand and availability of funds.

(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.

(g) Beginning on January 15, 2022 and annually thereafter, the Department of Housing and Community Development shall submit to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development an annual report regarding the activities and progress of the Program. The report shall:

(1) summarize the Program activities in the preceding year and report on the number of awarded grants and the total grant funds allocated;

(2) report on partner resources and contributions to the Program; and

(3) report on any measurable economic activity, which may include the number of jobs created, the number of visitors, the approximate number of square feet to be activated or redeveloped, and the number of volunteers engaged in the project.

* * * Downtown Tax Credit Program * * *

Sec. 8. 32 V.S.A. § 5930aa is amended to read:

§ 5930aa. DEFINITIONS

As used in this subchapter:

(1) “Qualified applicant” means an owner or lessee of a qualified building involving a qualified project, but does not include a State or federal agency or a political subdivision of either; or an instrumentality of the United States.

(2) “Qualified building” means a building built at least 30 years before the date of application, located within a designated downtown or village center, or neighborhood development area, 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 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 ~~or~~, village center, or neighborhood development area under a plan approved by the Secretary of Natural Resources pursuant to 10 V.S.A. § 6615a.

(4) “Qualified expenditures” means construction-related expenses of the taxpayer directly related to the project for which the tax credit is sought but excluding any expenses related to a private residence.

(5) “Qualified façade improvement project” means the rehabilitation of the façade of a qualified building that contributes to the integrity of the designated downtown ~~or~~, designated village center, or neighborhood development area. Façade improvements to qualified buildings listed, or eligible for listing, in the State or National Register of Historic Places must be consistent with Secretary of the Interior Standards, as determined by the Vermont Division for Historic Preservation.

* * *

Sec. 9. 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~~ \$4,750,000.00.

* * *

(5) credit under any one subsection of 5930cc of this subchapter may not be allocated more often than once every two years with respect to the same building; ~~and~~

(6) credit awarded under section 5930cc of this subchapter that is rescinded or recaptured by the State Board shall be available for the State Board to award to applicants in any subsequent year, in addition to the total amount of tax credits authorized under this section; ~~and~~

(7) the total amount of tax credits awarded annually to qualified projects located within neighborhood development areas does not exceed \$750,000.00; and

(8) no credit shall be awarded to a qualified project located within a neighborhood development area after July 1, 2026.

Sec. 10. 24 V.S.A. § 2793a is amended to read:

§ 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD

* * *

(c) A village center designated by the State Board pursuant to subsection (a) of this section is eligible for the following development incentives and benefits:

* * *

(4) ~~The following State tax credits for projects located in a designated village center:~~

~~(A) A State historic rehabilitation tax credit of ten percent under 32 V.S.A. § 5930cc(a) that meets the requirements for the federal rehabilitation tax credit.~~

~~(B) A State façade improvement tax credit of 25 percent under 32 V.S.A. § 5930cc(b).~~

~~(C) A State code improvement tax credit of 50 percent under 32 V.S.A. § 5930cc(e) The Downtown and Village Center Tax Credit Program described in 32 V.S.A. § 5930aa et seq.~~

* * *

Sec. 11. 24 V.S.A. § 2793e is amended to read:

§ 2793e. NEIGHBORHOOD PLANNING AREAS; DESIGNATION OF
NEIGHBORHOOD DEVELOPMENT AREAS

* * *

(f) Neighborhood development area incentives for developers. Once a municipality has a designated neighborhood development area or has a Vermont neighborhood designation pursuant to section 2793d of this title, any proposed development within that area shall be eligible for each of the benefits listed in this subsection. These benefits shall accrue upon approval by the district coordinator, who shall review the density requirements set forth in subdivision (c)(7) of this section to determine benefit eligibility and issue a jurisdictional opinion under 10 V.S.A. chapter 151 on whether the density requirements are met. These benefits are:

(1) ~~The~~ the application fee limit for wastewater applications stated in 3 V.S.A. § 2822(j)(4)(D);₂

(2) ~~The~~ the application fee reduction for residential development stated in 10 V.S.A. § 6083a(d);₂

(3) ~~The~~ the exclusion from the land gains tax provided by 32 V.S.A. § 10002(p); and

(4) eligibility for the Downtown and Village Center Tax Credit Program described in 32 V.S.A. § 5930aa et seq.

* * *

Sec. 12. 24 V.S.A. § 2794 is amended to read:

§ 2794. INCENTIVES FOR PROGRAM DESIGNEES

(a) Upon designation by the Vermont Downtown Development Board under section 2793 of this title, a downtown development district and projects in a downtown development district shall be eligible for the following:

(1) Priority consideration by any agency of the State administering any State or federal assistance program providing funding or other aid to a municipal downtown area with consideration given to such factors as the costs and benefits provided and the immediacy of those benefits, provided the project is eligible for the assistance program.

(2) ~~The following State tax credits:~~

(A) ~~A State historic rehabilitation tax credit of 10 percent under 32 V.S.A. § 5930cc(a) that meets the requirements for the federal rehabilitation tax credit.~~

(B) ~~A State façade improvement tax credit of 25 percent under 32 V.S.A. § 5930cc(b).~~

(C) ~~A State code improvement tax credit of 50 percent under 32 V.S.A. § 5930cc(e)~~ The Downtown and Village Center Tax Credit Program described in 32 V.S.A. § 5930aa et seq.

* * *

Sec. 13. REPORT

On or before January 15, 2026, the Department of Housing and Community Development shall report to the House Committees on Commerce and Economic Development, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Economic Development, Housing and General Affairs and on Finance on:

(1) the number and location of new neighborhood development areas designated after the passage of this act;

(2) the amount of tax credits allocated annually to projects located within neighborhood development areas under 32 V.S.A. § 5930aa et seq. and the location of those projects;

(3) for any housing produced within neighborhood development areas using tax credits under 32 V.S.A. § 5930aa et seq., the number of housing units produced, the development cost per unit, and the average rent per unit;

(4) whether to extend the sunset in 32 V.S.A. § 5930ee(8); and

(5) any recommended changes to the programs.

* * * International Business Attraction and Investment Program * * *

Sec. 14. FINDINGS

(a) The General Assembly finds:

(1) Business investment by Canada-based businesses provides the opportunity to generate increased employment, increase the range of job opportunities for Vermonters, and increase the dynamism of our communities.

(2) From the past work of the Department of Economic Development, we know that small- and mid-sized businesses in Quebec, Ontario, and other provinces in the region have a natural inclination to explore Vermont as the site for expansion in the U.S. market.

(3) Developing a program to attract businesses and investment from Canada-based businesses and engaging the services of a foreign trade representative to provide local recruitment support can allow the State and its businesses to tap resources of institutions, enterprises, and people to a greater degree and to develop lead generation services, expansion monitoring, in-market representation, market intelligence, and the ability to engage and nurture high-growth companies primed for expansion.

(4) It is the intent of the General Assembly to fund the services of a foreign trade representative for two years in order to begin the work of cultivating relationships with Canada-based partners and developing prospects for attracting business relocation and investment in Vermont.

Sec. 15. APPROPRIATION; REPORT

(a) In fiscal year 2022, the amount of \$300,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to provide funding for up to two years to contract with a foreign trade representative consistent with Sec. 14 of this act.

(b) On or before January 15, 2022, the Agency of Commerce and Community Development shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs concerning:

(1) the terms of the contract; and

(2) metrics to evaluate success of the contract and the representative.

(b) On or before January 15, 2023, the Agency of Commerce and Community Development shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs concerning:

(1) the type and number of business contacts and engagement;

(2) the type of businesses, jobs, and wages brought to the State; and

(3) recommendations concerning the continuation or expansion of the program.

* * * Workforce Development and Education * * *

Sec. 16. WORKFORCE DEVELOPMENT AND EDUCATION

(a) Findings.

(1) Due to the COVID-19 the public health emergency, the Vermont State Colleges have experienced a significant decrease in applications, and the board of directors has voted to freeze tuition for the 2021–2022 academic year both to keep students costs low and to mitigate the economic impact of COVID-19 on enrollment.

(2) Deposit activity, a signal of anticipated enrollment for the fall 2021 semester, has declined between five and 20 percent at two of the four VSC institutions, and FAFSA filing for Vermont is down seven percent year over year.

(3) While the enrollment gap is narrowing from earlier in the fall, it is still significantly wider than normal due to the complexities of how the pandemic is affecting Vermont’s high schools and high school students, for example, due to remote learning and the necessity for guidance counselors to broaden the reach of their services to struggling students.

(4)(A) The federal Pell Grant eligibility for first time, full-time Vermont students is high, signifying that families are financially distressed.

(B) In the fall of 2019, the percentage of first-time, full-time students who were Pell eligible were as follow: CCV (57 percent); CU (39 percent); NVU (49 percent); and VTC (41 percent).

(C) These students, already economically disadvantaged, are disproportionately impacted by the pandemic and related economic crisis.

(5) In addition to increasing the needs of Vermont’s secondary and post-secondary students, the COVID-19 pandemic has also placed significant

burden on the Vermont workforce, which can benefit from expanded opportunities available at the Vermont State Colleges.

(b) Purpose. The purpose of this act is to provide funding for Vermonters:

(A) who have been impacted by the COVID-19 pandemic through layoffs, furloughs, or reduced hours or due to being employed in an industry that has been severely affected; and

(B) who are pursuing education and training and require educational assistance and other support due to economic harm and lost opportunities arising from the COVID-19 public health emergency.

(c) Appropriation. In fiscal year 2022, the amount of \$20,500,000.00 is appropriated from the General Fund to the Vermont State Colleges, in coordination with the Department of Labor, for workforce development and education to Vermonters, as follows:

(1) Welcome home scholarships. \$4,000,000.00 to provide scholarships of \$5,000.00 per year or \$2,500.00 per semester for full-time students enrolled for 12 or more credits, or \$3,000.00 per year or \$1,500.00 per semester for part-time students, to Vermonters transferring from out-of-state institutions or returning to school after exiting in 2020–2021. This program’s mission is to incentivize students to come home to Vermont by transferring to VSCS institutions and to complete their degree if they left school without finishing in 2020–2021.

(2) Degree completion program. \$3,000,000.00 to provide scholarships for up to 30 credits towards a credential of value for adult learners who have earned at least 40 credits towards an undergraduate degree and have a gap in attendance of at least two years.

(3) Critical occupations; graduate internship scholarships. \$2,000,000.00 to provide scholarships for up to 12 credits and incentive payments of \$15.00 per hour for up to 240 hours per semester for graduate students who are required to fulfill an internship, practicum, or clinical requirement for a graduate degree in education or mental health counseling.

(4) Critical occupations; undergraduate internship scholarships. \$1,000,000.00 to provide incentive payments of \$15.00 per hour for up to 240 hours per semester for undergraduate students who are required to fulfill an internship, practicum, or clinical requirement for an undergraduate degree in education or allied health.

(5) Free tuition for critical occupation careers. \$5,500,000.00 to provide free last dollar tuition for one year of undergraduate studies for critical occupation careers, including bookkeeping certificate, IT service desk

specialist certificate, certified production technician, graphic design certificate, software and web development program, practical nursing program, electrical and plumbing apprenticeships, child care, nursing programs, mental health counseling, paramedicine, dental hygiene, certificate in accounting, small business management, radiologic science, and respiratory therapy.

(6) Workforce development 2.0. \$3,000,000.00 to provide funding for up to six credits or two courses, including wraparound services, for Vermonters whose employment was impacted by the COVID-19 public health emergency since March 13, 2020.

(7) Long-term care facility LPN program. \$2,000,000.00 to provide funding for tuition and wraparound services for students to pursue a practical nursing certificate program.

(d) Report. On or before January 15, 2022, the Vermont State Colleges shall submit to the General Assembly a progress report concerning the implementation of this section.

Sec. 17. MICROBUSINESS DEVELOPMENT PROGRAM; EMBRACE

(a) The General Assembly finds that the Microbusiness Development Program has demonstrated the capability to help individuals lift themselves out of poverty by providing the technical support and financial assistance necessary to start and sustain entrepreneurial enterprises.

(b) In fiscal year 2022, the amount of \$200,000.00 is appropriated from the General Fund to the Department for Children and Families, Office of Economic Opportunity for pass-through grants to the Community Action Agencies to provide funding for the regional Microbusiness Development Programs pursuant to 3 V.S.A. § 3722.

(c) In fiscal year 2022, the amount \$2,000,000.00 is appropriated to the Department for Children and Families, Office of Economic Opportunity, to be granted to the Community Action Agencies for the Statewide Community Action Network's Economic Micro Business Recovery Assistance for the COVID-19 Epidemic (EMBRACE) to assist the most disadvantaged Vermont microbusiness owners impacted by COVID-19 business closure orders with access to grants and technical assistance.

Sec. 18. STATE BIPOC BUSINESS NETWORK DEVELOPMENT

(a) Intent.

(1) Racial wealth disparities are a function of not only access to income, but also the ability to start and sustain a business, access land, and own property.

(2) Vermont embraces its responsibility to course correct the historical impact of economic exploitation and exclusion from opportunity due to race and ethnicity for American descendants of slavery and the broader Black, Indigenous, and Persons of Color community.

(3) In order to rectify this history of inequity, it is the intent of this General Assembly to acknowledge and address wealth disparity and cultural disempowerment by creating economic opportunity and cultural empowerment, using new systems that empower Vermonters who have historically suffered from discrimination and lacked equal access to public or private economic benefits due to race, ethnicity, geography, language preference, and immigrant or citizen status.

(b) Findings.

(1) The Vermont Partnership for Fairness and Diversity conducted a survey of BIPOC businesses after the Emergency Recovery Grant programs closed. The survey analysis included three core recommendations: form a state BIPOC Commission, create a BIPOC business association, and improve data collection and the State's understanding of BIPOC business needs.

(2) The Committee sought information from over a dozen BIPOC business and community and State leaders to learn what BIPOC businesses need to be economically successful in Vermont. Core findings included:

(A) allow BIPOC businesses to lead and define the formation of a BIPOC business network;

(B) offer more support to BIPOC businesses by assisting them in procuring State contracts, securing capital investment and customer cultivation, and finding technical support;

(C) improve language access and cultural competency practices within State economic development programs and strengthen connections to BIPOC businesses; and

(D) improve State data collection to better serve the variety of identities represented within the BIPOC community.

(c) BIPOC business network.

(1) In fiscal year 2022, the amount of \$100,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to provide funding for a contractor of not more than \$100,000.00 to convene BIPOC businesses, organizations, and community leaders and other business organizations, and representatives from State government to create a set of recommendations on how to launch a State BIPOC business network.

(2) On or before January 15, 2022, the contractor shall deliver to the Agency and to legislative committees of jurisdiction a report summarizing its process, deliberations, and a set of recommendations on how the State can support the formation of a BIPOC business network, including financial resources needed and policy changes.

(3) Applications for the contract shall be reviewed and selected by the Executive Director of Racial Equity, the Racial Equity Advisory Panel, and the Secretary of Commerce and Community Development.

Sec. 19. 10 V.S.A. § 2 is added to read:

§ 2. BIPOC BUSINESS DEVELOPMENT

The Agency of Commerce and Community Development shall design and implement the Economic Advancement Program and dedicate at least one full-time equivalent employee to oversee the following responsibilities:

(1) cultivate and support BIPOC businesses, including:

(A) technical assistance;

(B) grants and loans;

(C) business-to-business mentorship program;

(D) business procurement contract assistance;

(E) financial management, digital growth, and marketing;

(F) start-up support;

(G) capital investment opportunities; and

(H) networking;

(2) provide training to business technical assistance providers to reduce bias in service delivery;

(3) create a data collection system to allow the Department to analyze trends, sectors, and outcomes for BIPOC businesses to better inform economic development policy that benefits BIPOC businesses; and

(4) create an outreach program that includes language access for the not fewer than three of the most commonly used languages within Vermont other than English on all the programs offered to Vermont businesses within the Agency.

Sec. 20. ENTREPRENEURS' SEED CAPITAL FUND

(a) Entrepreneurs' Seed Capital Fund. The Entrepreneurs' Seed Capital Fund, created by the Vermont Economic Development Authority pursuant to

10 V.S.A. § 291, is a \$5.1 million revolving “evergreen” capital fund in operation since 2010 serving Vermont’s entrepreneurs and early-stage technology-enabled companies for job growth, income potential, and wealth creation. Since inception, the Fund’s portfolio companies have now raised in excess of \$182 million. The Fund is professionally managed by the Vermont Center for Emerging Technologies (VCET).

(b) Appropriation. The amount of \$1,000,000.00 is appropriated from the General Fund to the Entrepreneurs’ Seed Capital Fund to provide risk stage seed capital to Vermont businesses that have experienced economic disruption either through reduced business, new business formation, or through an unmanageable increase in new business due to the COVID-19 crisis.

(c) Fast Capital Investment Program; categories. Notwithstanding any provision of 10 V.S.A. § 290 to the contrary, the Fund shall invest in businesses consistent with the following:

(1) The Fund shall invest in rapid seed and early growth stage employers that have a viable plan for recovery and growth.

(2) The Fund shall make expedited investments using simplified investment terms and instruments, including stock, convertible notes, forgivable loans, royalty financing, or grants with equity warrants.

(3) The expected range per new investment is \$20,000.00 to \$100,000.00 from this appropriation.

(4) The Fund shall prioritize sourcing and funding on BIPOC-, veteran-, and women-owned businesses.

(5) In continuing to serve the Vermont innovation ecosystem and notwithstanding the expedited program timeline, the Fund shall pursue co-investment participation from local and regional investors, including Vermont venture funds, family offices, community foundations, accredited individual “angel” investors, lending institutions, and other relevant sources.

(d) Eligibility. For-profit Vermont businesses are eligible under the Fast Capital Investment Program except where other significant State appropriated Coronavirus Relief Fund program resources have been directed. These excluded sectors include:

(A) traditional in-person retail operations;

(B) lodging, hospitality, and real estate operations; and

(C) restaurants and food service operations.

Sec. 21. 10 V.S.A. § 291(b)(3) is amended to read:

(3)(A) Before the Fund makes any investments, the Fund shall have and maintain a board of five advisors who shall be appointed as follows: two shall be appointed by the Authority, two shall be appointed by the Fund manager, and one shall be appointed jointly by the Authority and the Fund manager.

(B) The appointing authorities shall coordinate their appointments to ensure that the Board comprises advisors with diverse professional and personal backgrounds and experiences, including representation of women and BIPOC identified individuals.

(C) The Board of Advisors shall represent solely the economic interest of the State with respect to the management of the Fund and shall have no civil liability for the financial performance of the Fund.

(D) The Board of Advisors shall be advised of investments made by the Fund and shall have access to all information held by the Fund with respect to investments made by the Fund.

* * * Effective Date * * *

Sec. 22. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

and that after passage the title of the bill be amended to read: “An act relating to community and economic development and workforce revitalization”

Rep. Long of Newfane presiding.

Speaker Krowinski presiding.

Rep. Ancel of Calais, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development and when further amended as follows:

By striking out Secs. 8–13, downtown tax credit program, and their reader assistance heading, in their entireties and by renumbering the remaining sections to be numerically correct.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development and the Committee on Ways and Means, and when further amended as follows:

First: In Sec. 1, tourism and marketing; appropriation, in subsection (c), by striking out “\$1,000,000.00” and inserting in lieu thereof “\$2,500,000.00” and

by striking out “General Fund” and inserting “funds available to the State under the American Rescue Plan Act of 2021”

Second: By striking out Sec. 2, technology-based economic development program; appropriation, in its entirety and inserting in lieu thereof a new Sec. 2 to read:

Sec. 2. TECHNOLOGY-BASED ECONOMIC DEVELOPMENT

PROGRAM; APPROPRIATION

(a) In fiscal year 2022, the amount of \$1,000,000.00 is appropriated from the amounts available to the State through the American Rescue Plan Act of 2021 to the University of Vermont to design and implement a technology-based economic development program, consistent with the following:

(1) Small business innovation research; small business technical transfer; technical assistance. A total of \$200,000.00 to provide technical assistance to first-time applicants pursuing a federal SBIR or STTR grant.

(2) SBIR; STTR; Phase I and Phase II matching grants. A total of \$400,000.00 to provide a 50 percent State matching grant, up to \$50,000.00, to businesses that receive a federal SBIR/STTR Phase I or Phase II grant.

(3) Industry research partnership program. A total of \$200,000.00 to provide a 100 percent matching grant to Vermont small businesses:

(A) to purchase services and technical assistance from universities and research institutions, including research and development assistance, technology assessments, product prototyping, lab validation, and overcoming development hurdles; and

(B) to establish better relationships among Vermont businesses and higher education researchers, speed time-to-market for new technologies, and help keep Vermont companies relevant in the marketplace.

(4) University of Vermont Office of Engagement. A total of \$200,000.00 to the Office of Engagement to administer the funds pursuant to this subsection.

(b) In fiscal year 2022, the amount of \$2,000,000 is appropriated from the amounts available to the State under the American Rescue Plan Act of 2021 to the University of Vermont Office of Engagement for a two-year period to leverage the research services and data science capabilities of the University.

(c) On or before January 15, 2022, the University of Vermont shall report to the General Assembly concerning the implementation of this section, including the provision of grants and technical assistance; the number of businesses assisted; how many SBIR/STTR phase I & II matching grants

awarded; how many businesses received the maximum grant; how many matching grants and the amounts awarded through the industry research partnership program; and the nature and scope of assistance provided through the Office of Engagement.

(d) The University of Vermont shall use the funds appropriated in this section to promote technology-based businesses and to provide assistance to Vermont businesses that have suffered economic harm due to the COVID-19 public health emergency consistent with the American Rescue Plan Act of 2021.

Third: By striking out Sec. 4, appropriation, in its entirety and inserting in lieu thereof a new Sec. 4 to read:

Sec. 4. APPROPRIATION

The Department of Labor shall allocate not more than \$75,000.00 from the amounts available in the Workforce Expansion Fund to implement Sec. 3 of this act.

Fourth: By adding a new Sec. 7a to read:

Sec. 7a. APPROPRIATION

In fiscal year 2022, the amount of \$5,000,000.00 is appropriated from the funds available to the State under the American Rescue Plan Act of 2021 to the Better Places Fund to implement the Better Places Program created in Sec. 7 of this act.

Fifth: By striking out Sec. 16, workforce development and education, in its entirety and inserting in lieu thereof a new Sec. 16 to read:

Sec. 16. WORKFORCE DEVELOPMENT AND EDUCATION

(a) Findings.

(1) Due to the COVID-19 public health emergency, the Vermont State Colleges have experienced a significant decrease in applications, and the board of directors has voted to freeze tuition for the 2021–2022 academic year both to keep students' costs low and to mitigate the economic impact of COVID-19 on enrollment.

(2) Deposit activity, a signal of anticipated enrollment for the fall 2021 semester, has declined between five and 20 percent at two of the four VSC institutions, and FAFSA filing for Vermont is down seven percent year over year.

(3) While the enrollment gap is narrowing from earlier in the fall, it is still significantly wider than normal due to the complexities of how the

pandemic is affecting Vermont's high schools and high school students, for example, due to remote learning and the necessity for guidance counselors to broaden the reach of their services to struggling students.

(4)(A) The federal Pell Grant eligibility for first-time, full-time Vermont students is high, signifying that families are financially distressed.

(B) In the fall of 2019, the percentage of first-time, full-time students who were Pell eligible were as follows: CCV (57 percent), CU (39 percent), NVU (49 percent), and VTC (41 percent).

(C) These students, already economically disadvantaged, are disproportionately impacted by the pandemic and related economic crisis.

(5) In addition to increasing the needs of Vermont's secondary and postsecondary students, the COVID-19 pandemic has also placed significant burden on the Vermont workforce, which can benefit from expanded opportunities available at the Vermont State Colleges.

(b) Purpose. In light of these findings, it is the intent of the General Assembly to provide funding in the Big Bill to expand opportunities for education at the Vermont State Colleges for Vermonters:

(A) who have been impacted by the COVID-19 pandemic through layoffs, furloughs, or reduced hours or due to being employed in an industry that has been severely affected; and

(B) who are pursuing education and training and require educational assistance and other support due to economic harm and lost opportunities arising from the COVID-19 public health emergency.

Sixth: In Sec. 17, Microbusiness Development Program; EMBRACE, in subsection (c), following "appropriated" by inserting "from the funds available to the State under the American Rescue Plan Act of 2021"

Seventh: In Sec. 18, State BIPOC business network development, in subsection (c) by striking out "General Fund" and inserting in lieu thereof "from the funds available to the State under the American Rescue Plan Act of 2021"

Eighth: In Sec. 20, Entrepreneurs' Seed Capital Fund, in subsection (b), by striking out "\$1,000,000.00" and inserting in lieu thereof "\$900,000.00"

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, and the report of the Committee on Commerce and Economic Development was amended as recommended by the Committee on Appropriations. The report of the Committee on Commerce and Economic

Development, as amended, was further amended as recommended by the Committee on Ways and Means.

Thereupon, **Rep. Mulvaney-Stanak of Burlington** moved to further amend the report of the Committee on Commerce and Economic Development, as amended, by striking out Sec. 18, State BIPOC business network development, and Sec. 19, 10 V.S.A. § 2, in their entireties and inserting in lieu thereof a new Sec. 18 to read:

Sec. 18. STATE BIPOC BUSINESS DEVELOPMENT

(a) Intent.

(1) Racial wealth disparities are a function of not only access to income but also the ability to start and sustain a business, access land, and own property.

(2) Vermont embraces its responsibility to course correct the historical impact of economic exploitation and exclusion from opportunity due to race and ethnicity for American descendants of slavery and the broader Black, Indigenous, and Persons of Color community.

(3) In order to rectify this history of inequity, it is the intent of this General Assembly to acknowledge and address wealth disparity and cultural disempowerment by creating economic opportunity and cultural empowerment, using new systems that empower Vermonters who have historically suffered from discrimination and lacked equal access to public or private economic benefits due to race, ethnicity, geography, language preference, and immigrant or citizen status.

(b) Findings.

(1) The Vermont Partnership for Fairness and Diversity conducted a survey of BIPOC businesses after the Emergency Recovery Grant programs closed. The survey analysis included three core recommendations: form a state BIPOC Commission, create a BIPOC business association, and improve data collection and the State's understanding of BIPOC business needs.

(2) The Committee sought information from over a dozen BIPOC business and community and State leaders to learn what BIPOC businesses need to be economically successful in Vermont. Core findings included:

(A) allow BIPOC businesses to lead and define how to strengthen economic development for BIPOC-owned businesses and what organizational structures would best support the Vermont BIPOC business community;

(B) offer more support to BIPOC businesses by assisting them in procuring State contracts, securing capital investment and customer cultivation, and finding technical support;

(C) improve language access and cultural competency practices within State economic development programs and strengthen connections to BIPOC businesses; and

(D) improve State data collection to better serve the variety of identities represented within the BIPOC community.

(3)(A) The Secretary of State, in cooperation with the Agency of Digital Services, is leading the development project for the creation of a business portal to deliver a single point of entry for Vermont businesses to interact with the State across multiple agencies and departments.

(B) When the portal becomes active, which is projected to occur in 2022, the Secretary of State will collect data on race, ethnicity, and gender for individuals registering businesses.

(c) BIPOC business development project.

(1)(A) In fiscal year 2022, the amount of \$100,000.00 is appropriated from the funds available to the State under the American Rescue Plan Act of 2021 to the Agency of Commerce and Community Development to provide funding for a contractor of not more than \$100,000.00 to convene BIPOC businesses, organizations, and community leaders; other business organizations; and representatives from the Agency of Commerce and Community Development and other State agencies and departments as necessary, to create a set of recommendations on how to support BIPOC business development, which may include the creation of a BIPOC business network, the creation of minority business development center or authority, or one or more other similar entities or organizations.

(B) Not more than five percent of the amount appropriated in this section may be used for administrative purposes, including translation services.

(2) The Executive Director of Racial Equity and the Racial Equity Advisory Panel, with the collaboration and support of the Agency of Commerce and Community Development, shall:

(A) issue a request for proposals on or before August 15, 2021;

(B) review and select a contractor on or before September 15, 2021;

and

(C) finalize hiring and ensure the contractor begins work on or before October 15, 2021.

(3)(A) The request for proposals shall include the following requirements for a qualified contractor:

(i) demonstrated experience working with BIPOC businesses or populations, or both;

(ii) knowledge of the Vermont business industries and concentrations of BIPOC-owned businesses;

(iii) proposal on how to convene stakeholders, provide information, and conduct outreach that includes language access for limited English-proficient individuals;

(iv) economic and business development expertise; and

(v) experience in organizational structures.

(B) In making their selection, the Panel, Executive Director, and Agency shall give priority to a contractor with experience working with BIPOC-owned businesses and knowledge of the Vermont business community.

(C) The Agency shall cause the request for proposals to be translated upon request of a potential applicant.

(4)(A) On or before February 15, 2022, the contractor shall deliver to the Panel, the Director, the Agency, and the legislative committees of jurisdiction a preliminary report on financial resources and policy changes needed to support BIPOC business development.

(B) On or before July 1, 2022, the contract shall submit a final report summarizing the process and deliberations and a final set of recommendations on what entities, organizations, or other measures will best support BIPOC business development.

(d) Collection of data.

(1) The Secretary of State shall collect race, ethnicity, and gender data for individuals registering businesses in the State of Vermont as part of its business portal.

(2) The Secretary shall provide data from the portal to the Secretary of Administration, which shall make the data available to relevant agencies and departments within State government to inform economic development policy priorities and strategies as it relates to BIPOC-, women-, and gender non-binary-owned businesses and their needs as businesses and employers.

(3) Once completed, the Secretary of State shall incorporate recommendations related to data collection from the BIPOC business development project created in this section.

and by renumbering the remaining sections to be numerically correct.

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Commerce and Economic Development, as amended?, **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 be amended as recommended by the Committee on Commerce and Economic Development, as amended?, was decided in the affirmative. Yeas, 148. Nays, 0.

Those who voted in the affirmative are:

Achey of Middletown Springs	Grad of Moretown	O'Brien of Tunbridge
Ancel of Calais	Graham of Williamstown	Ode of Burlington
Anthony of Barre City	Gregoire of Fairfield	Page of Newport City
Arrison of Weathersfield	Hango of Berkshire	Pajala of Londonderry
Austin of Colchester	Harrison of Chittenden	Palasik of Milton
Bartholomew of Hartland	Helm of Fair Haven	Parsons of Newbury
Batchelor of Derby	Higley of Lowell	Partridge of Windham
Beck of St. Johnsbury	Hooper of Montpelier	Patt of Worcester
Birong of Vergennes	Hooper of Randolph	Pearl of Danville
Black of Essex	Hooper of Burlington	Peterson of Clarendon
Bluemle of Burlington	Houghton of Essex	Pugh of South Burlington
Bock of Chester	Howard of Rutland City	Rachelson of Burlington
Bongartz of Manchester	James of Manchester	Redmond of Essex
Bos-Lun of Westminster	Jerome of Brandon	Rogers of Waterville
Brady of Williston	Jessup of Middlesex	Rosenquist of Georgia
Brennan of Colchester	Killacky of South Burlington	Satcowitz of Randolph
Briglin of Thetford	Kimbell of Woodstock	Savage of Swanton
Brown of Richmond	Kitzmiller of Montpelier	Scheu of Middlebury
Brownell of Pownal	Kornheiser of Brattleboro	Scheuermann of Stowe
Brumsted of Shelburne	LaClair of Barre Town	Seymour of Sutton
Burditt of West Rutland *	LaLonde of South Burlington	Shaw of Pittsford
Burke of Brattleboro	Lanpher of Vergennes	Sheldon of Middlebury
Burrows of West Windsor	Lefebvre of Newark	Sibilia of Dover
Campbell of St. Johnsbury	Lefebvre of Orange	Sims of Craftsbury
Canfield of Fair Haven	Leffler of Enosburgh	Small of Winooski
Chase of Colchester	Lippert of Hinesburg	Smith of New Haven
Christie of Hartford	Long of Newfane	Squirrell of Underhill
Cina of Burlington	Marcotte of Coventry	Stebbins of Burlington
Coffey of Guilford	Martel of Waterford	Stevens of Waterbury
Colburn of Burlington	Martin of Franklin	Strong of Albany
Colston of Winooski	Masland of Thetford	Sullivan of Dorset
Conlon of Cornwall	Mattos of Milton	Surprenant of Barnard
Copeland Hanzas of Bradford	McCarthy of St. Albans City	Taylor of Colchester
Corcoran of Bennington	McCormack of Burlington	Terenzini of Rutland Town
	McCoy of Poultney	Till of Jericho
		Toleno of Brattleboro

Cordes of Lincoln	McCullough of Williston	Toof of St. Albans Town
Cupoli of Rutland City	McFaun of Barre Town	Townsend of South
Dickinson of St. Albans Town	Morgan, L. of Milton	Burlington
Dolan of Essex	Morgan, M. of Milton	Troiano of Stannard
Dolan of Waitsfield	Morris of Springfield	Vyhovsky of Essex
Donahue of Northfield	Morrissey of Bennington	Walz of Barre City
Donnally of Hyde Park	Mrowicki of Putney	Webb of Shelburne
Durfee of Shaftsbury	Mulvaney-Stanak of Burlington	White of Bethel
Elder of Starksboro	Murphy of Fairfax	White of Hartford
Emmons of Springfield	Nicoll of Ludlow	Whitman of Bennington
Fagan of Rutland City	Nigro of Bennington	Williams of Granby
Feltus of Lyndon	Norris of Sheldon	Wood of Waterbury
Gannon of Wilmington	Norris of Shoreham	Yacovone of Morristown
Goldman of Rockingham	Notte of Rutland City	Yantachka of Charlotte
Goslant of Northfield	Noyes of Wolcott	

Those who voted in the negative are: none

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

Smith of Derby

Rep. Burditt of West Rutland explained his vote as follows:

“Madam Speaker:

Is government the answer? In some instances yes. It can provide for some common good, offer some protections from some dangers and enemies and be a safety net for many. There is little question that government tries to do the right thing but at times tries to do too much. In doing so it can crowd out the potential entrepreneurial spirit and innovation of the private sector. I believe this bill has some of that.”

Thereupon, the bill was ordered to be read a third time.

Second Reading; Bill Amended; Third Reading Ordered

H. 171

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

An act relating to the governance and financing of Vermont’s child care system

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

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly:

(1) that immediate investments are necessary to support Vermont's economy, ensure that all families with young children have affordable access to high-quality child care and early education, and that Vermont's early childhood educators are fairly compensated and well supported; and

(2) to continue and build upon the five-year redesign of the Child Care Financial Assistance Program that began in fiscal year 2020.

* * * Child Care Financial Assistance Program * * *

Sec. 2. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

(2) ~~The subsidy authorized by this subsection shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the current federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the current federal poverty guidelines nor more than 100 percent of the State median income, adjusted for the size of the family. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to 150 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including 350 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection.~~ The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.

* * *

Sec. 3. 33 V.S.A. § 3514 is amended to read:

§ 3514. PAYMENT TO PROVIDERS

* * *

(c)(1) The payment schedule established by the Commissioner shall reimburse providers in accordance with the results of the most recent Vermont Child Care Market Rate Survey and be adjusted following the release of each new Vermont Child Care Market Rate Survey.

(2) The payment schedule shall include reimbursement rate caps tiered in relation to provider ratings in the Vermont STARS program and the results of the most recent Vermont Child Care Market Rate Survey. The lower limit of the reimbursement rate caps shall be not less than the 50th percentile of all reported rates for the same provider setting in each rate category.

Sec. 4. APPROPRIATION AND LEGISLATIVE INTENT; CHILD CARE

FINANCIAL ASSISTANCE PROGRAM

(a) In fiscal year 2022, \$5,529,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the purpose of implementing Secs. 2 and 3 of this act.

(b) It is the intent of the General Assembly that:

(1) an appropriation that meets or exceeds the amount distributed in fiscal year 2022 be made in fiscal years 2023 through 2026 to progressively adjust the upper income limit of the Child Care Financial Assistance Program fee scale each year;

(2) by fiscal year 2023, the co-payment at the upper limit of the income eligibility scale for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income; and

(3) by fiscal year 2026, a family shall spend not more than 10 percent of the family's gross annual income on child care.

* * * Bright Futures Information System * * *

Sec. 5. BRIGHT FUTURES INFORMATION SYSTEM;

MODERNIZATION PLAN

(a) In fiscal year 2022, \$4,500,000.00 is appropriated to the Agency of Digital Services for the purpose of completing the implementation of the Bright Futures Information System modernization plan.

(b)(1) On or before October 1, 2021, the Department for Children and Families' Child Development Division shall make every reasonable effort to achieve full functionality of the first module of the modernized Bright Futures Information System.

(2) On or before August 1, 2021, the Department for Children and Families' Child Development Division shall convene and consult with a Bright Futures Information System end-user group, composed of child care providers, eligibility specialists from community child care support agencies, families participating in the Child Care Financial Assistance Program, and any other relevant stakeholders. The Division shall provide periodic updates to the end-user group regarding the Division's progress in completing the modernization project and any successes or challenges identified once the modernized Bright Futures Information System is operational. The Division shall actively seek advice and feedback from the end-user group regarding the modernized Bright Futures Information System. The end-user group shall be dissolved following full functionality of all components of the modernized Bright Futures Information System.

* * * Workforce Supports * * *

Sec. 6. 33 V.S.A. chapter 35, subchapter 5 is added to read:

Subchapter 5. Workforce

§ 3541. SCHOLARSHIPS FOR CURRENT EARLY CHILDHOOD

PROVIDERS

(a) There is established a need-based scholarship program for individuals employed by a regulated, privately operated center-based child care program or family child care home while acquiring credits in early childhood development or that are related directly to working with children from birth through eight years of age.

(b) The Division may contract for the administration of the program set forth in subsection (a) of this section and adopt policies, procedures, and guidelines necessary for its implementation.

(c) Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(d) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3543 of this title.

§ 3542. SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD

PROVIDERS

(a)(1) There is established a need-based scholarship program for individuals pursuing a college degree in early childhood education or early childhood special education. The scholarship program shall provide financial assistance up to the full cost of tuition for an eligible individual.

(2) An eligible individual shall:

(A) attend a Vermont college or university at least part-time;

(B) be pursuing an associates or bachelor's degree in early childhood education or early childhood special education; and

(C) commit to working in a regulated, privately operated center-based child care program or family child care home in Vermont for years equal to those in which scholarship monies are sought under this section.

(b)(1) The Department shall adopt policies, procedures, and guidelines necessary for implementation of the program described in subsection (a) of this section.

(2) The Department may contract for the administration of the program. Administration costs shall not be more than 10 percent of the total appropriation received to implement this section.

(c)(1) Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(2) An eligible individual who does not work the required number of years in a regulated, privately operated center-based child care program or family child care home in Vermont after completion of the individual's degree program shall repay scholarship monies received under this section commensurate with the balance of the eligible individual's time commitment.

(d) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3543 of this title.

§ 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year;

(B) receive an annual salary of not more than \$50,000.00; and

(C) have earned an associates or bachelor's degree with a major concentration in early childhood, child and human development, elementary education, special education with a birth to age eight focus, or child and family services within the preceding five years.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three months of employment in accordance with the program. The remainder of an individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

(b)(1) The Department shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

(2) Student loan repayments shall be available pursuant to this section on a first-come, first-served basis until appropriated funds are depleted.

(3) The Department may contract for the administration of the program. Administration costs shall not be more than 10 percent of the total appropriation received to implement this section.

(c) An individual shall not simultaneously participate in the student loan repayment assistance program set forth in this section and either of the scholarship programs set forth in section 3541 or 3542 of this title.

Sec. 7. APPROPRIATION, LEGISLATIVE INTENT, AND EVALUATION;

EARLY CHILDHOOD WORKFORCE PROGRAMS

(a)(1) In fiscal year 2022, \$300,000.00 is appropriated to the Department for Children and Families' Child Development Division for the Current Early Childhood Provider Scholarship Program established pursuant to 33 V.S.A. § 3541.

(2) In fiscal year 2022, \$400,000.00 is appropriated to the Department for Children and Families for the Prospective Early Childhood Provider Scholarship Program established pursuant to 33 V.S.A. § 3542.

(3) In fiscal year 2022, \$1,800,000.00 is appropriated to the Department for Children and Families for the student loan repayment assistance program established pursuant to 33 V.S.A. § 3543.

(b) It is the intent of the General Assembly that appropriations that meet or exceed each of the amounts appropriated in fiscal year 2022 pursuant to subdivisions (a)(1) through (3) of this section be made in fiscal years 2023 through 2026.

(c) On or before October 1, 2025, the Department for Children and Families' Child Development Division, in consultation with stakeholders, shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare:

(1) evaluating the effectiveness of the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 at recruiting and retaining providers in Vermont's child care and early learning system; and

(2) recommending whether the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 shall be repealed in accordance with Sec. 8 of this act, retained and funded in their current state, or retained with amendment.

Sec. 8. REPEALS

(a) 33 V.S.A. § 3541(d) (reference to student loan repayment assistance program) is repealed on July 1, 2026.

(b) 33 V.S.A. § 3542 (scholarships for prospective early childhood providers) is repealed on July 1, 2026.

(c) 33 V.S.A. § 3543 (student loan repayment assistance program) is repealed on July 1, 2026.

* * * Advisory Commission * * *

Sec. 9. RECOMMENDATIONS; ADVISORY COMMITTEE

(a) Purpose. Building Bright Futures' Early Learning and Development Committee shall advise the Agency of Human Services, Department for Children and Families, and Child Development Division on all services pertaining to child care and early childhood education, including:

(1) child care and early childhood education licensing rules, policies, and procedures;

(2) administration of the child care and early childhood education system;

(3) Child Care Financial Assistance Program rules, policies, procedures, and plans;

(4) child care provider credentialing and compensation standards;

(5) the Vermont STARS quality rating and improvement system;

(6) child care and early childhood education curricula standards, including antiracist early childhood education practices and standards; and

(7) the child care and early childhood education systems analysis study pursuant to Sec. 10 of this act.

(b) Membership. The membership of the Committee shall be adjusted for the purposes of providing the recommendations required by this section to reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color, and to engage the following members:

(1) a parent or caregiver from a large town or city;

(2) a parent or caregiver from a rural community;

(3) a foster parent or person providing kinship care for a child under 12 years of age;

(4) a family child care home provider;

(5) a center-based child care and preschool program provider;

(6) a Head Start family policy advisory council member;

(7) a Head Start early childhood provider or program director;

(8) a representative of the Vermont Association for the Education of Young Children;

(9) a representative of the Vermont Early Childhood Education Higher Education Consortium;

(10) a representative of Vermont's Parent Child Center Network;

(11) a representative of a community child care resource agency;

(12) a provider of Children's Integrated Services;

(13) a provider of early childhood special education services;

(14) a regional Universal Pre-K Coordinator;

(15) a pediatrician;

(16) a representative of the National Federation of Independent Businesses;

(17) a representative of Vermont Businesses for Social Responsibility;

(18) a representative of the Vermont Business Roundtable;

(19) the Executive Director of the Office of Racial Equity or designee;

(20) an afterschool provider; and

(21) any other member that Building Bright Futures deems necessary to complete the work required by this section.

(c) Assistance. The Committee shall have the administrative assistance of Building Bright Futures and the technical and legal assistance of the Department for Children and Families' Child Development Division.

(d) Reports.

(1) On or before January 15, 2022, the Committee shall submit an interim written report to the House Committee on Human Services and to the Senate Committee on Health and Welfare with a summary of the Committee's efforts to organize and provide advice to the Department to date.

(2) On or before September 1, 2022 and 2023, the Committee shall submit a written report to the House Committee on Human Services and to the Senate Committee on Health and Welfare with a summary of its annual activities, findings, and any recommendations for legislative action. All findings and recommendations provided pursuant to this subdivision shall be divided by birth through five years of age and six years of age through 12 years of age.

(e) Meetings.

(1) The Committee shall begin the work required by this section on or before September 1, 2021.

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

(3) The work required by this section shall be completed on or before January 15, 2024.

(f) 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 six meetings annually. These payments shall be made from monies appropriated to the Department for Children and Families.

(g) Appropriation.

(1) In fiscal year 2022, \$33,000.00 is appropriated from the General Fund to the Department for Children and Families for the purpose of implementing this section.

(2) It is the intent of the General Assembly that \$33,000.00 is appropriated to the Department for Children and Families in fiscal year 2023 for the purpose of implementing this section.

(h) Definition. As used in this section, “child care and early childhood education” means programming provided at a center-based child care program or family child care home regulated by the Department for Children and Families’ Child Development Division that serves children from birth through 12 years of age.

* * * Studies and Reports * * *

Sec. 10. CHILD CARE AND EARLY CHILDHOOD EDUCATION
SYSTEMS ANALYSIS STUDY

(a) In order to ensure that Vermont’s systems for early childhood education effectively meet the needs of children, families, and providers, including child care and early childhood education programs’ ability to refer and connect families to needed services, Building Bright Futures shall undertake an analysis that evaluates and makes recommendations on the following:

(1) existing child care and early childhood education systems and administrative stakeholders and structures;

(2) child care and early childhood education systems and administrative functions that are currently not staffed or understaffed;

(3) emerging system needs;

(4) stakeholder engagement in decision-making processes and State plan development;

(5) mechanisms to strengthen system oversight and leverage current system strengths;

(6) identification of existing needs and challenges; and

(7) ensuring that an antiracist approach is utilized in modifying existing policies and procedures and creating new policies and procedures.

(b) On or before September 1, 2022, Building Bright Futures shall submit the analysis and recommendations required pursuant to this section to the General Assembly. All findings and recommendations provided pursuant to this subsection shall be divided by birth through five years of age and six years of age through 12 years of age.

(c) In preparing the analysis and recommendations required pursuant to this section, Building Bright Futures shall rely on the work and advice provided pursuant to Sec. 9 of this act.

(d)(1) In fiscal year 2022, \$200,000.00 is appropriated to the Department for Children and Families for the purpose of implementing this section.

(2) The Department may use appropriated funds to cover administrative needs associated with the study and to contract a consultant with experience in organizational or administrative systems, administration, or system management experience.

(e) As used in this section, “child care and early childhood education” means programming provided at a center-based child care program or family child care home regulated by the Department for Children and Families’ Child Development Division that serves children from birth through 12 years of age.

Sec. 11. REPORT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ENROLLMENT MODEL; CO-PAYMENTS

On or before July 1, 2022, the Department for Children and Families’ Child Development Division shall submit to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare analyses addressing:

(1) the costs and policy implications associated with moving from an attendance-based model to an enrollment-based model in the Child Care Financial Assistance Program; and

(2) the costs and policy implications of requiring that co-payments at the upper limit of the income eligibility scale for families participating in the Child Care Financial Assistance Program does not exceed 10 percent of gross annual income.

Sec. 12. CHILD CARE AND EARLY CHILDHOOD EDUCATION
FINANCING STUDY

(a) On or before September 1, 2021, the Joint Fiscal Office shall contract with an economist or independent consulting entity with expertise in the field of child care and early childhood education to evaluate the economic impacts of and potential funding mechanisms to adjusting Vermont’s existing child care system regulated pursuant to 33 V.S.A. chapter 35 for children from birth through five years of age with consideration given to the intersection of and impacts on child care for children from six years of age through 12 years of age in alignment with the recommendations of the Universal Afterschool Task Force established pursuant to 2020 Acts and Resolves No. 154, Sec. B.1120.1.

The work of the economist or independent consulting entity shall be governed by the following goals:

(1) that a family does not spend more than 10 percent of its gross annual income on child care;

(2) that child care providers receive compensation that is commensurate with peers in other fields; and

(3) the utilization of a cost of care model versus a market rate model in the Child Care Financial Assistance Program.

(b)(1) In conducting this evaluation, the consultant shall consult with Building Bright Futures; the State Treasurer; the Commissioners of Finance and Management, of Taxes, and for Children and Families; the Secretary of Education; and any other State entity the consultant deems necessary.

(2) The consultant shall consult with the Auditor for the purpose of ensuring that the consultant's evaluation includes appropriate requirements for ongoing performance review, accountability, and outcomes tracking.

(3) The consultant may consult with the National Association for the Education of Young Children, the Vermont Advancing as a Recognized Profession Task Force, and the Center for the Study of Child Care Employment for determining models for compensation commensurate with peers in other fields. Public school salaries may serve as a relevant benchmark for comparable compensation, assuming comparable qualifications, experience, and job responsibilities.

(c) Taking into consideration the analysis completed as part of the Blue Ribbon Commission on Financing High Quality, Affordable Child Care and the report issued by the Universal Afterschool Task Force, the consultant's evaluation shall:

(1) take into consideration demographic and workforce impacts; and

(2) review potential indirect impacts and multiplier effects on parents and guardians who may utilize the Child Care Financial Assistance Program; child care providers; and entities providing care, supplies, and services; children participating in child care and early childhood education programs; and other impacts to Vermont's economy and communities.

(d)(1) On or before November 15, 2022, the consultant shall submit preliminary results to the Joint Fiscal Office and to the chairs of the House Committees on Appropriations, on Human Services, and on Ways and Means and to the Senate Committees on Appropriations, on Finance, and on Health and Welfare.

(2) On or before January 15, 2023, the consultant shall submit to the House Committees on Appropriations, on Human Services, and on Ways and Means and to the Senate Committees on Appropriations, on Finance, and on Health and Welfare results that:

(A) project the costs of expanding the State's child care benefit to more families in accordance with this section, requiring commensurate pay for providers, and utilizing cost of care in the Child Care Financial Assistance Program and the feasibility of implementing each policy in Vermont, both separately and jointly; and

(B) identify and determine the feasibility of implementing stable, long-term funding sources to finance an affordable, high-quality early child care system for children from birth through five years of age given child care's role in postpandemic stimulus and long-term economic development.

(e) The Joint Fiscal Office shall be allowed to accept philanthropic contributions to underwrite the cost of hiring economists and analysts to provide expertise specific to early care and childhood education in accordance with this section.

(f) In fiscal year 2022, \$500,000.00 shall be appropriated from the General Fund to the Joint Fiscal Office for the purpose of hiring a consultant pursuant to this section.

* * * Effective Dates * * *

Sec. 13. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that Secs. 2 (Child Care Financial Assistance Program; eligibility) and 3 (Payment to Providers) shall take effect on October 1, 2022.

Rep. Jessup of Middlesex, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Human Services and when further amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly:

(1) that immediate investments are necessary to support Vermont's economy, ensure that all families with young children have affordable access to high-quality child care and early education, and that Vermont's early childhood educators are fairly compensated and well supported; and

(2) to continue and build upon the five-year redesign of the Child Care Financial Assistance Program that began in fiscal year 2020.

* * * Child Care Financial Assistance Program * * *

Sec. 2. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

(2) ~~The subsidy authorized by this subsection shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the current federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the current federal poverty guidelines nor more than 100 percent of the State median income, adjusted for the size of the family. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to 150 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including 350 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection.~~ The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.

* * *

Sec. 3. 33 V.S.A. § 3514 is amended to read:

§ 3514. PAYMENT TO PROVIDERS

* * *

(c)(1) The payment schedule established by the Commissioner may reimburse providers in accordance with the results of the most recent Vermont Child Care Market Rate Survey.

(2) The payment schedule shall include reimbursement rate caps tiered in relation to provider ratings in the Vermont STARS program. The lower limit of the reimbursement rate caps shall be not less than the 50th percentile of all reported rates for the same provider setting in each rate category.

Sec. 4. APPROPRIATION AND LEGISLATIVE INTENT; CHILD CARE

FINANCIAL ASSISTANCE PROGRAM

(a) In fiscal year 2022, \$5,529,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the purpose of implementing Secs. 2 and 3 of this act.

(b) It is the intent of the General Assembly that:

(1) consideration be made in fiscal years 2023 through 2026 to progressively adjust the upper income limit of the Child Care Financial Assistance Program fee scale each year; and

(2) by October 1, 2021, the co-payment at the upper limit of the income eligibility scale for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income.

* * * Bright Futures Information System * * *

Sec. 5. BRIGHT FUTURES INFORMATION SYSTEM;

MODERNIZATION PLAN

(a) Funds for the modernization of the Bright Futures Information System are located within the Technology Modernization Reserve.

(b)(1) On or before October 1, 2021, the Department for Children and Families' Child Development Division shall make every reasonable effort to achieve full functionality of the first module of the modernized Bright Futures Information System.

(2) On or before August 1, 2021, the Department for Children and Families' Child Development Division shall convene and consult with a Bright Futures Information System end-user group, composed of child care providers, eligibility specialists from community child care support agencies, families participating in the Child Care Financial Assistance Program, and any other relevant stakeholders. The Division shall provide periodic updates to the end-user group regarding the Division's progress in completing the modernization

project and any successes or challenges identified once the modernized Bright Futures Information System is operational. The Division shall actively seek advice and feedback from the end-user group regarding the modernized Bright Futures Information System. The end-user group shall be dissolved following full functionality of all components of the modernized Bright Futures Information System.

* * * Workforce Supports * * *

Sec. 6. 33 V.S.A. chapter 35, subchapter 5 is added to read:

Subchapter 5. Workforce

§ 3541. SCHOLARSHIPS FOR CURRENT EARLY CHILDHOOD

PROVIDERS

(a) There is established a need-based scholarship program for individuals employed by a regulated, privately operated center-based child care program or family child care home while acquiring credits in early childhood development or that are related directly to working with children from birth through eight years of age.

(b) The Department of Children and Families may contract for the administration of the program set forth in subsection (a) of this section and adopt policies, procedures, and guidelines necessary for its implementation.

(c) Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(d) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3543 of this title.

§ 3542. SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD

PROVIDERS

(a)(1) There is established a need-based scholarship program for individuals pursuing a college degree in early childhood education or early childhood special education. The scholarship program shall provide financial assistance up to the full cost of tuition for an eligible individual.

(2) An eligible individual shall:

(A) attend a Vermont college or university at least part-time;

(B) be pursuing an associates or bachelor's degree in early childhood education or early childhood special education; and

(C) commit to working in a regulated, privately operated center-based child care program or family child care home in Vermont for years equal to those in which scholarship monies are sought under this section.

(b)(1) The Department for Children and Families shall adopt policies, procedures, and guidelines necessary for implementation of the program described in subsection (a) of this section.

(2) The Department may contract for the administration of the program. Administration costs shall not be more than 10 percent of the total appropriation received to implement this section.

(c)(1) Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(2) An eligible individual who does not work the required number of years in a regulated, privately operated center-based child care program or family child care home in Vermont after completion of the individual's degree program shall repay scholarship monies received under this section commensurate with the balance of the eligible individual's time commitment.

(d) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3543 of this title.

§ 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year;

(B) receive an annual salary of not more than \$50,000.00; and

(C) have earned an associates or bachelor's degree with a major concentration in early childhood, child and human development, elementary education, special education with a birth to age eight focus, or child and family services within the preceding five years.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home

for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three months of employment in accordance with the program. The remainder of an individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

(b)(1) The Department shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

(2) Student loan repayments shall be available pursuant to this section on a first-come, first-served basis until appropriated funds are depleted.

(3) The Department may contract for the administration of the program. Administration costs shall not be more than 10 percent of the total appropriation received to implement this section.

(c) An individual shall not simultaneously participate in the student loan repayment assistance program set forth in this section and either of the scholarship programs set forth in section 3541 or 3542 of this title.

Sec. 7. APPROPRIATION AND EVALUATION; EARLY CHILDHOOD

WORKFORCE PROGRAMS

(a) In fiscal year 2022:

(1) \$300,000.00 is appropriated to the Department for Children and Families' Child Development Division for the current early childhood provider scholarship program established pursuant to 33 V.S.A. § 3541.

(2) \$400,000.00 is appropriated to the Department for Children and Families for the prospective early childhood provider scholarship program established pursuant to 33 V.S.A. § 3542.

(3) \$1,800,000.00 is appropriated to the Department for Children and Families for the student loan repayment assistance program established pursuant to 33 V.S.A. § 3543.

(b) On or before October 1, 2025, the Department for Children and Families' Child Development Division, in consultation with stakeholders, shall submit a report to the House Committees on Commerce and Economic Development and on Human Services and to the Senate Committees on Economic Development, Housing, and General Affairs and on Health and Welfare:

(1) evaluating the effectiveness of the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 at recruiting and retaining providers in Vermont's child care and early learning system; and

(2) recommending whether the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 shall be repealed in accordance with Sec. 8 of this act, retained and funded in their current state, or retained with amendment.

Sec. 8. REPEALS

(a) 33 V.S.A. § 3541(d) (reference to student loan repayment assistance program) is repealed on July 1, 2026.

(b) 33 V.S.A. § 3542 (scholarships for prospective early childhood providers) is repealed on July 1, 2026.

(c) 33 V.S.A. § 3543 (student loan repayment assistance program) is repealed on July 1, 2026.

* * * Building Bright Futures' Powers and Duties * * *

Sec. 9. 33 V.S.A. § 4603 is amended to read:

§ 4603. POWERS AND DUTIES

The Council established by section 4602 of this title shall have the following powers and duties necessary and appropriate to effectuating the purposes of this chapter:

(1) Advise the Administration and General Assembly on:

(A) the status and needs of the early care, health, and education system by conducting a review of the status of young children in Vermont and the care, health, and education services and systems that support them; and

(B) planning related to and the administration and operation of Vermont's child care system.

* * *

(3) Develop an early care, health, and education system plan for Vermont to serve as the basis for policy and funding recommendations, which shall reflect the growing diversity of Vermont's children and families.

* * *

(12) Convene members of the child care community, medical community, education community, business community, and other organizations, as well as State agencies serving young children, to ensure that

families receive quality services in the most efficient and cost-effective manner.

* * *

* * * Recommendations on the American Rescue Plan Act of 2021 * * *

Sec. 10. RECOMMENDATIONS; AMERICAN RESCUE PLAN ACT OF
2021; CHILD CARE DEVELOPMENT BLOCK GRANT

(a) Purpose and membership. The Department for Children and Families, in coordination with Building Bright Futures, shall convene a child care working group composed of mutually agreed to stakeholders that reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color. Members of this working group shall include a representative from both the House Committee on Human Services and the Senate Committee on Health and Welfare, as well as individuals representing families, child care and afterschool providers, the business community, child welfare advocates, and consultation with any other individuals necessary to make recommendations for most effectively utilizing Child Care Development Block Grant funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) to meet the immediate and future child care needs of Vermonters.

(b) Powers and duties. The working group shall make recommendations to the General Assembly to ensure that the use of the ARPA Child Care Development Block Grant is fully utilized. The working group shall consider the following priorities but need not be limited to consideration of the listed priorities:

(1) funding necessary to ensure that the co-payment for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income;

(2) expansion of the Child Care Financial Assistance Program to families whose incomes are up to 400 percent of the current federal poverty level;

(3) funding necessary to complete the child care and early childhood education systems analysis and financing studies pursuant to Secs. 13 and 14 of this act;

(4) funding necessary to implement the child care workforce support programs established in 33 V.S.A. chapter 35, subchapter 5;

(5) increased access to high-quality infant care;

(6) access to high-quality, affordable child care for culturally and racially diverse families;

(7) support and assistance to stabilize regulated, privately operated center-based child care programs and family child care homes; and

(8) the identification of any statutory or regulatory barriers to using the ARPA funds to address the immediate and future child care needs of Vermonters.

(c) Report. On or before November 30, 2021, the Department for Children and Families shall submit a written report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare containing the working group's recommendations.

(d) Meetings.

(1) The Commissioner for Children and Families or designee and the Executive Director of Building Bright Futures shall call the first meeting of the working group and shall serve as Co-Chairs.

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

(3) The working group shall cease to exist on December 1, 2021.

Sec. 11. RECOMMENDATIONS; AMERICAN RESCUE PLAN ACT OF
2021; CHILD CARE STABILIZATION GRANTS

(a) Purpose and membership. The Department for Children and Families, in coordination with Building Bright Futures, shall convene a child care working group composed of mutually agreed to stakeholders that reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color. Members of this working group shall include a representative from both the House Committee on Human Services and the Senate Committee on Health and Welfare, child care and afterschool providers, and consultation with any other individuals necessary to make recommendations for most effectively utilizing Child Care Stabilization Grants funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) to meet the immediate and future child care needs of Vermonters.

(b) Powers and duties. The working group shall make recommendations to ensure that the use of the ARPA Child Care Stabilization Grants funding is fully utilized in a timely manner.

(c) Report and Approval. On or before September 1, 2021, the Department shall submit a written report to the Joint Fiscal Committee and to the Chairs of

the House Committee on Human Services and the Senate Committee on Health and Welfare containing the working group's recommendations. Upon receipt, the Joint Fiscal Committee shall have five days to approve or reject the working group's recommendations. If the Joint Fiscal Committee does not act within five days, the recommendations shall be deemed approved and the Department shall distribute the funds according to the recommendations. If the Joint Fiscal Committee rejects the recommendations within the five-day window, it shall hold a meeting as soon as possible to receive testimony from the Department.

(d) Meetings.

(1) The Commissioner for Children and Families or designee and the Executive Director of Building Bright Futures shall call the first meeting of the working group and shall serve as Co-Chairs.

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

(3) The working group shall cease to exist on January 1, 2022.

* * * Studies and Reports * * *

Sec. 12. REPORT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ENROLLMENT MODEL

On or before July 1, 2022, the Department for Children and Families' Child Development Division shall submit to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare analyses addressing the costs and policy implications associated with moving from an attendance-based model to an enrollment-based model in the Child Care Financial Assistance Program.

Sec. 13. CHILD CARE AND EARLY CHILDHOOD EDUCATION
SYSTEMS ANALYSIS STUDY

(a) On or before September 1, 2022, Building Bright Futures shall submit an analysis and recommendations to the House Committee on Human Services and to the Senate Committee on Health and Welfare regarding the following:

(1) existing child care and early childhood education systems and administrative stakeholders and structures, including functions that are currently not staffed or understaffed;

(2) emerging system needs;

(3) stakeholder engagement in decision-making processes and State plan development;

(4) mechanisms to strengthen system oversight and leverage current system strengths;

(5) identification of existing needs and challenges; and

(6) ensuring that an antiracist approach is utilized in modifying existing policies and procedures and creating new policies and procedures.

(b) All findings and recommendations provided pursuant to this section shall:

(1) be divided by birth through five years of age and six years of age through 12 years of age; and

(2) rely on the work and advice provided pursuant to Sec. 10 of this act.

(c) As used in this section, “child care and early childhood education” means programming provided at a center-based child care program or family child care home regulated by the Department for Children and Families’ Child Development Division that serves children from birth through 12 years of age.

Sec. 14. CHILD CARE AND EARLY CHILDHOOD EDUCATION

FINANCING STUDY

(a) On or before January 1, 2022, the Joint Fiscal Office shall contract with an economist or independent consulting entity with expertise in the field of child care and early childhood education to evaluate the economic impacts of and potential funding mechanisms to adjusting Vermont’s existing child care system regulated pursuant to 33 V.S.A. chapter 35 for children from birth through five years of age with consideration given to the intersection of and impacts on child care for children from six years of age through 12 years of age in alignment with the recommendations of the Universal Afterschool Task Force established pursuant to 2020 Acts and Resolves No. 154, Sec. B.1120.1. The work of the economist or independent consulting entity shall be governed by the following goals:

(1) that a family does not spend more than 10 percent of its gross annual income on child care;

(2) that child care providers receive compensation that is commensurate with peers in other fields; and

(3) the utilization of a cost of care model versus a market rate model in the Child Care Financial Assistance Program.

(b)(1) On or before November 15, 2023, the consultant shall submit preliminary results to the Joint Fiscal Office and to the chairs of the House Committees on Appropriations, on Human Services, and on Ways and Means

and to the Senate Committees on Appropriations, on Finance, and on Health and Welfare.

(2) On or before January 15, 2024, the consultant shall submit to the House Committees on Appropriations, on Human Services, and on Ways and Means and to the Senate Committees on Appropriations, on Finance, and on Health and Welfare results that:

(A) project the costs of expanding the State's child care benefit to more families in accordance with this section, requiring commensurate pay for providers, and utilizing cost of care in the Child Care Financial Assistance Program and the feasibility of implementing each policy in Vermont, both separately and jointly; and

(B) identify and determine the feasibility of implementing stable, long-term funding sources to finance an affordable, high-quality early child care system for children from birth through five years of age.

* * * Federal Funding, Administration * * *

Sec. 15. FEDERAL FUNDS; ANTICIPATED RECEIPTS

(a) To the extent that appropriations in this act are made from federal funds provided by the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA), including State holding funds that are established as a result of the ARPA, the Commissioner of Finance and Management is authorized to make expenditures in anticipation of receipts as necessary. In the event monies received by the State under ARPA cannot be used for their designated purpose, appropriations shall instead be made from the General Fund.

(b) The appropriations in this act from funds provided by ARPA shall carry forward from fiscal year 2021 until expended.

* * * Effective Dates * * *

Sec. 16. EFFECTIVE DATES

(a) This section and Secs. 10 (recommendations; American Rescue Plan Act of 2021; Child Care Development Block Grant) and 11 (recommendations; American Rescue Plan Act of 2021; Child Care Stabilization Grants) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2021, except that Secs. 2 (Child Care Financial Assistance Program; eligibility) and 3 (payment to providers) shall take effect on October 1, 2021.

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, and the report of the Committee on Human Services was amended as recommended by the Committee on Appropriations. The report of the Committee on Human Services, as amended, was agreed to.

Pending the question, Shall the bill be read a third time?, **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 read a third time?, was decided in the affirmative. Yeas, 146. Nays, 1.

Those who voted in the affirmative are:

Achey of Middletown Springs	Grad of Moretown	Noyes of Wolcott
Ancel of Calais	Graham of Williamstown	O'Brien of Tunbridge
Arrison of Weathersfield	Gregoire of Fairfield	Ode of Burlington
Austin of Colchester	Hango of Berkshire	Page of Newport City
Bartholomew of Hartland	Harrison of Chittenden	Pajala of Londonderry
Batchelor of Derby	Helm of Fair Haven	Palasik of Milton
Beck of St. Johnsbury	Higley of Lowell	Parsons of Newbury
Birong of Vergennes	Hooper of Montpelier	Partridge of Windham
Black of Essex	Hooper of Randolph	Patt of Worcester
Bluemle of Burlington	Hooper of Burlington	Pearl of Danville
Bock of Chester	Houghton of Essex	Pugh of South Burlington
Bongartz of Manchester	Howard of Rutland City	Rachelson of Burlington
Bos-Lun of Westminster	James of Manchester	Redmond of Essex *
Brady of Williston	Jerome of Brandon	Rogers of Waterville
Brennan of Colchester	Jessup of Middlesex	Rosenquist of Georgia
Briglin of Thetford	Killacky of South Burlington	Satcowitz of Randolph
Brown of Richmond	Kimbell of Woodstock	Savage of Swanton
Brownell of Pownal	Kitzmiller of Montpelier	Scheu of Middlebury
Brumsted of Shelburne	Kornheiser of Brattleboro	Scheuermann of Stowe
Burditt of West Rutland	LaClair of Barre Town	Seymour of Sutton
Burke of Brattleboro	LaLonde of South Burlington	Shaw of Pittsford
Burrows of West Windsor	Lanpher of Vergennes	Sheldon of Middlebury
Campbell of St. Johnsbury	Lefebvre of Newark	Sibilia of Dover
Canfield of Fair Haven	Lefebvre of Orange	Sims of Craftsbury
Chase of Colchester	Leffler of Enosburgh	Small of Winooski
Christie of Hartford	Lippert of Hinesburg	Smith of New Haven
Cina of Burlington	Long of Newfane	Squirrell of Underhill
Coffey of Guilford	Marcotte of Coventry	Stebbins of Burlington
Colburn of Burlington	Martel of Waterford	Stevens of Waterbury
Colston of Winooski	Martin of Franklin	Strong of Albany
Conlon of Cornwall	Masland of Thetford	Sullivan of Dorset
Copeland Hanzas of Bradford	Mattos of Milton	Surprenant of Barnard
Corcoran of Bennington	McCarthy of St. Albans City	Taylor of Colchester
Cordes of Lincoln	McCormack of Burlington	Terenzini of Rutland Town
Cupoli of Rutland City	McCoy of Poultney	Till of Jericho
	McCullough of Williston	Toleno of Brattleboro
		Toof of St. Albans Town

Dickinson of St. Albans Town	McFaun of Barre Town	Townsend of South Burlington
Dolan of Essex	Morgan, L. of Milton	Troiano of Stannard
Dolan of Waitsfield	Morgan, M. of Milton	Vyhovsky of Essex
Donahue of Northfield	Morris of Springfield	Walz of Barre City
Donnally of Hyde Park	Morrissey of Bennington	Webb of Shelburne
Durfee of Shaftsbury	Mrowicki of Putney	White of Bethel
Elder of Starksboro	Mulvaney-Stanak of Burlington	White of Hartford
Emmons of Springfield	Murphy of Fairfax	Whitman of Bennington
Fagan of Rutland City	Nicoll of Ludlow	Williams of Granby
Feltus of Lyndon	Nigro of Bennington	Wood of Waterbury
Gannon of Wilmington	Norris of Sheldon	Yacovone of Morristown
Goldman of Rockingham	Norris of Shoreham	Yantachka of Charlotte
Goslant of Northfield	Notte of Rutland City	

Those who voted in the negative are:

Peterson of Clarendon

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

Anthony of Barre City

Smith of Derby

Rep. Redmond of Essex explained her vote as follows:

“Madam Speaker:

Throughout this pandemic we have learned that affordable, accessible, high-quality child care is a critical infrastructure that Vermonters, particularly women, rely on in order to work and support their families. Likewise, COVID has taught us that the state’s child care system is a critical infrastructure for functioning of our Vermont economy. H.171 takes another giant step forward in moving child care towards a cutting edge system for all Vermonters.”

Second Reading; Bill Amended; Third Reading Ordered

H. 183

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

An act relating to sexual violence

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

Sec. 1. 13 V.S.A. § 3251 is amended to read:

§ 3251. DEFINITIONS

As used in this chapter:

* * *

(3) "Consent" means words or actions by a person indicating a knowing or voluntary agreement to engage in a sexual act.

* * *

(10) "Incapable of consenting" means the person is:

(A) incapable of appraising the nature of the conduct at issue; or

(B) physically incapable of declining participation in, or communicating unwillingness to engage in, the conduct at issue.

(11) "Developmental disability" has the same meaning as in 18 V.S.A. § 9302.

(12) "Psychiatric disability" has the same meaning as in 1 V.S.A. § 147.

Sec. 2. 13 V.S.A. § 3252 is amended to read:

§ 3252. SEXUAL ASSAULT

(a) No person shall engage in a sexual act with another person ~~and compel the other person to participate in a sexual act:~~

(1) without the consent of the other person; ~~or~~

(2) by threatening or coercing the other person; ~~or~~

(3) by placing the other person in fear that any person will suffer imminent bodily injury; or

(4) when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring.

~~(b)(1) No person shall engage in a sexual act with another person and impair substantially the ability of the other person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person~~ administer any alcohol, drugs, or other intoxicants to another person without the person's knowledge or against the person's will and, while the person is impaired by the alcohol, drugs, or intoxicants, engage in a sexual act with that person.

(2) No person shall engage in a sexual act with another person when the other person is incapable of consenting to the sexual act due to substantial impairment by alcohol, drugs, or other intoxicants and that condition is known or reasonably should be known by the person.

* * *

(f)(1) A person who violates subsection (a), (b), (d), or (e) of this section shall be imprisoned not less than three years and for a maximum term of life, and, in addition, may be fined not more than \$25,000.00.

* * *

(g) A person convicted of violating subsection (a), (b), (d), or (e) of this section shall be sentenced under section 3271 of this title.

Sec. 3. 13 V.S.A. § 3254 is amended to read:

§ 3254. TRIAL PROCEDURE; CONSENT

In a prosecution for a crime defined in this chapter or section 2601 of this title:

(1) ~~lack of consent may be shown without proof of resistance;~~ Lack of verbal or physical resistance does not constitute consent.

(2) An expression of lack of consent through words or conduct means there is no consent.

(3) Submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent.

(4) Consent shall not be demonstrated by evidence prohibited under section 3255 of this title.

(5) A sleeping or unconscious person cannot consent.

(6) a A person shall be deemed to have acted without the consent of the other person where the actor:

(A) ~~knows~~ knew or reasonably should have known that the other person ~~is~~ was mentally incapable of understanding the nature of the sexual act or lewd and lascivious conduct; ~~or~~

(B) ~~knows~~ knew or reasonably should have known that the other person ~~is~~ was not physically capable of resisting, or declining consent to, the sexual act or lewd and lascivious conduct; ~~or~~

(C) ~~knows~~ knew or reasonably should have known that the other person ~~is~~ was unaware that a sexual act or lewd and lascivious conduct ~~is~~ was being committed; ~~or~~

(D) ~~knows~~ knew or reasonably should have known that the other person ~~is~~ was mentally incapable of resisting, or declining consent to, consenting to the sexual act or lewd and lascivious conduct; due to a ~~mental~~

~~condition or a psychiatric or developmental disability as defined in 14 V.S.A. § 3061; or~~

(E) knew or reasonably should have known that the other person was incapable of consenting to the sexual act or lewd and lascivious conduct with the actor because the person was substantially impaired by alcohol, drugs, or other intoxicants.

Sec. 4. DATA COLLECTION AND REPORTING

(a)(1) On or before September 1, 2024 and bi-annually thereafter, the Department of Public Safety shall provide a statistical report to the General Assembly based on data from the National Incident Based Reporting System and the Vermont Judiciary on the following:

(A) the number of sexual violence cases reported to State, county, and municipal law enforcement agencies and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with 5 20 V.S.A. § 2358;

(B) the number of civil sexual assault or stalking orders granted;

(C) the number of sexual violence cases referred by law enforcement to a State's Attorney or the Attorney General for potential charges; and

(D) the number of sexual violence cases charged, the nature of the charge, and the disposition of the charges.

(2) The data identified in subdivision (a)(1) of this section shall be organized and reported to the General Assembly by county.

(b) The Department of Public Safety shall make a reasonable effort to protect victim confidentiality when statistical information may be identifying.

(c) The Department of Public Safety shall post the data collected pursuant to subsection (a) of this section on its website in a manner that is clear, understandable, and accessible to the public.

Sec. 5. 16 V.S.A. § 2187 is added to read:

§ 2187. INTERCOLLEGIATE SEXUAL VIOLENCE PREVENTION

COUNCIL

(a) Creation. There is created the Intercollegiate Sexual Violence Prevention Council to create a coordinated response to campus sexual harm, including across institutions of higher learning in Vermont.

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

(1) a Title IX coordinator and a campus-based prevention/education coordinator from an institution of higher learning appointed by the chancellor of the Vermont State Colleges;

(2) a Title IX coordinator and a campus-based prevention/education coordinator from an institution of higher learning appointed by the President of the University of Vermont;

(3) a Title IX coordinator and a campus-based prevention/education coordinator from an institution of higher learning appointed by the President of the Association of Vermont Independent Colleges;

(4) two community-based sexual violence advocates appointed by the Network Against Domestic and Sexual Violence;

(5) two law enforcement or public safety representatives with experience responding to and investigating campus sexual violence appointed by the Commissioner of Public Safety;

(6) two college students, at least one of whom has lived experience as a sexual violence survivor and one who represents a campus-based racial justice organization, appointed by the Center for Crime Victim Services;

(7) a person with expertise in sexual violence responses within the lesbian, gay, bisexual, transgender, queer community appointed by the Vermont Center for Crime Victim Services;

(8) a sexual assault nurse examiner appointed by the Network Against Domestic and Sexual Violence;

(9) a prosecutor with experience in prosecuting sexual violence cases from either the Department of State's Attorneys and Sheriffs or the Office of the Attorney General appointed by the Attorney General; and

(10) an attorney with experience in sexual violence cases appointed by the Defender General.

(c) Duties. The Council shall be responsible for the following:

(1) interdisciplinary planning and information sharing to support sexual violence prevention programs on every college campus in Vermont;

(2) annual review of trends in aggregate data collected by institutions of higher learning regarding sexual violence on college campuses in Vermont; and

(3) development and distribution of best practices and recommendations on violence prevention, sexual health education, and strategies for mitigating sexual violence and tertiary violence on college campuses in Vermont.

(d) Assistance. The Council shall have the administrative and technical assistance of the Network Against Domestic and Sexual Violence.

(e) Report. On or before December 2022 and annually thereafter, the Council shall submit a written report to the General Assembly with a summary of activities and any recommendations for legislative action.

(f) Meetings.

(1) The Network Against Domestic and Sexual Violence shall call the first meeting of the Council to occur on or before September 15, 2021.

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

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

(4) The Council shall meet quarterly.

(5) Members who are not otherwise compensated by the member's employer for attendance at meetings shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010. These payments shall be made from monies appropriated to the Network Against Domestic and Sexual Violence for such purposes.

Sec. 6. REPEAL

16 V.S.A. § 2187 (Intercollegiate Sexual Violence Prevention Council) is repealed on July 1, 2028.

Sec. 7. APPROPRIATIONS

(a) In fiscal year 2022, \$13,000.00 is appropriated to the Network Against Domestic and Sexual Violence for the purpose of staffing the Intercollegiate Sexual Violence Prevention Council and per diem compensation and reimbursement of expenses for members who are not otherwise compensated by the member's employer for attendance at meetings.

(b) In fiscal year 2022, \$40,000.00 is appropriated to the Vermont Center for Crime Victim Services for use in the Vermont Forensic Nursing Program for the purpose of providing forensic medical care for sexual assault patients within primary care and reproductive health care settings.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Judiciary and when further amended by striking out Sec. 7,

appropriations, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. APPROPRIATIONS

(a)(1) In fiscal year 2022, \$11,990.00 is appropriated to the Center for Crime Victim Services to provide a grant for the purpose of staffing the Intercollegiate Sexual Violence Prevention Council.

(2) In fiscal year 2022, \$1,010.00 is appropriated to the Center for Crime Victim Services to provide for per diem compensation and reimbursement of expenses for members who are not otherwise compensated by the member's employer for attendance at meetings.

(b)(1) In fiscal year 2022, \$40,000.00 is appropriated to the Vermont Center for Crime Victim Services to provide a grant for the Vermont Forensic Nursing Program. The funds shall be used to recruit, train, and credential nurses to provide forensic medical care for sexual assault patients within primary care, reproductive health, or campus health care settings in order to expand medical care for sexual assault patients beyond hospital emergency departments.

(2) On or before January 15, 2022, the Vermont Center for Crime Victim Services shall report to the House and Senate Committees on Judiciary on the progress of the pilot program identified in subdivision (1) of this subsection and November 1, 2022 regarding the implementation and results of the pilot program.

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, and the report of the Committee on Judiciary was amended as recommended by the Committee on Appropriations.

Rep. Colburn of Burlington moved to further amend the report of the Committee on Judiciary, as amended, as follows:

First: By striking out Sec. 1, 13 V.S.A. § 3251, in its entirety and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 3251 is amended to read:

§ 3251. DEFINITIONS

As used in this chapter:

* * *

(3) "Consent" means words or actions by a person indicating a knowing or voluntary agreement to engage in a sexual act.

* * *

(10) “Incapable of consenting” means the person:

(A) is incapable of understanding the nature of the conduct at issue;

(B) is physically incapable of resisting, declining participation in, or communicating unwillingness to engage in the conduct at issue; or

(C) lacks the mental ability to make or communicate a decision about whether to engage in the conduct at issue.

Second: In Sec. 3, 13 V.S.A. § 3254, by striking out subdivision (6) in its entirety and inserting in lieu thereof the following:

(6) a A person shall be deemed to have acted without the consent of the other person where the actor:

(A) ~~knows~~ knew or reasonably should have known that the other person is ~~was~~ mentally incapable of understanding the nature of consenting to the sexual act or lewd and lascivious conduct; or

(B) ~~knows that the other person is not physically capable of resisting, or declining consent to, the sexual act or lewd and lascivious conduct;~~ or

(C) ~~knows~~ knew or reasonably should have known that the other person is unaware that a sexual act or lewd and lascivious conduct is was being committed; or

~~(D)(C) knows that the other person is was mentally incapable of resisting, or declining consent to, the sexual act or lewd and lascivious conduct, due to a mental condition or a psychiatric or developmental disability as defined in 14 V.S.A. § 3061~~ knew or reasonably should have known that the other person was incapable of consenting to the sexual act or lewd and lascivious conduct with the actor because the person was substantially impaired by alcohol, drugs, or other intoxicants.

Which was agreed to. The report of the Committee on Judiciary, as amended, was agreed to. Thereupon, third reading was ordered by a vote by division: Yeas, 131; Nays, 0.

Second Reading; Bill Amended; Third Reading Ordered

H. 210

Rep. Lippert of Hinesburg, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to addressing disparities and promoting equity in the health care system

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) The Department of Health's 2018 State Health Assessment indicates that Vermont residents experience barriers to the equal enjoyment of good health based on race and ethnicity, sexual orientation, gender identity, and disability status.

(2) According to the 2018 Department of Health's Behavioral Risk Factor Surveillance System report, non-White Vermonters are:

(A) statistically less likely to have a personal doctor;

(B) statistically more likely to report poor mental health;

(C) more than twice as likely to report rarely or never getting the necessary emotional support;

(D) significantly more likely to have depression;

(E) significantly more likely to have been worried about having enough food in the past year; and

(F) significantly more likely to report no physical activity during leisure time.

(3) According to the Department of Mental Health's analysis entitled "Race Data VPCH Admissions," which reviewed patients admitted from May 1, 2019 to April 30, 2020, Non-White Vermonters are disproportionately represented in the highest level of involuntary hospitalization. At the Vermont Psychiatric Care Hospital, 15 percent of the patients are non-White.

(4)(A) Non-White Vermonters have also been disproportionately affected by COVID-19. According to a data brief published on the Department of Health's website in December 2020, entitled "COVID-19 among Vermonters who are Black, Indigenous, and People of Color (BIPOC)," nearly one in every five COVID-19 cases in Vermont are among Black, Indigenous, and Persons of Color even though these Vermonters make up approximately six percent of Vermont's population. According to that same data brief, the incidence rate for non-White Vermonters is 74.2 versus 26.2 for White Vermonters. The incidence rate for Black Vermonters is 225.7; the incidence rate for Asian Vermonters is 61; the incidence rate for Hispanic Vermonters is 41.7; and the incidence rate for other races is 20.5. Non-White Vermonters are also at a higher risk for more serious outcomes, such as hospitalization.

(B) According to the Department of Health's December 2020 data brief, COVID-19 cases among non-White Vermonters tend to be younger than for White Vermonters. The average age of persons testing positive for COVID-19 is 33 among non-White Vermonters, whereas the average age is 46 among White Vermonters.

(C) While, according to the Department of Health's 2018 Behavior Risk Factor Surveillance System, there are not statistically significant differences in the rates of preexisting conditions, such as diabetes, lung disease, and cardiovascular disease, among White and non-White Vermonters, the Vermont Department of Health's December 2020 data brief indicates that there are disparities in the rates of preexisting conditions among Vermonters testing positive for COVID-19. As stated in that data brief, the preexisting conditions rate among COVID-19 cases is 19.4 percent for non-White Vermonters and 12.1 percent for White Vermonters. According to the same December 2020 data brief, this suggests that non-White Vermonters are at higher risk of exposure to COVID-19 due to their type of employment and living arrangements. Thirty-six percent of non-White Vermonters had household contact with a confirmed case of COVID-19, as compared to only 20 percent of White Vermonters as stated in the Department of Health's December 2020 data brief.

(5) According to the 2018 Vermont Behavioral Risk Factor Surveillance System Report, adults with a disability are:

(A) five times as likely to consider suicide than adults with no disability;

(B) eight times more likely to report fair or poor health than adults with no disability;

(C) statistically more likely to delay care due to cost than adults with no disability;

(D) seven times more likely to report poor physical health than adults with no disability;

(E) statistically more likely to report poor mental health in the past month than adults with no disability;

(F) more than twice as likely to report rarely or never getting the necessary emotional support as compared to White adults with no disability;

(G) statistically more likely to report having arthritis than adults with no disability;

(H) statistically more likely to have asthma than adults with no disability;

(I) nearly twice as likely to have ever had cancer than adults without a disability;

(J) statistically more likely to have had skin cancer than adults with no disability;

(K) three times more likely to report having cardiovascular disease than adults with no disability;

(L) five times more likely to report having chronic obstructive pulmonary disease than Vermonters with no disability;

(M) significantly more likely to have depression than adults with no disability;

(N) three times as likely to report having diabetes than those with no disability;

(O) significantly more likely to report having hypertension than those with no disability;

(P) statistically more likely to report having kidney disease than adults with no disability;

(Q) significantly more likely to have been worried about having enough food in the past year when compared to adults with no disability;

(R) more than three times as likely to report housing insecurity in the past year than adults with no disability; and

(S) significantly more likely to report no physical activity during leisure time than adults with no disability.

(6) According to the 2018 Vermont Behavior Risk Factor Surveillance System Report, adults who are LGBTQ are:

(A) three times as likely to report seriously considering suicide compared to non-LGBTQ adults;

(B) statistically more likely to delay care due to cost than non-LGBTQ adults;

(C) statistically more likely to report poor mental health in the past month than non-LGBTQ adults;

(D) statistically more likely to report a disability than non-LGBTQ adults;

(E) statistically more likely to have asthma than non-LGBTQ adults;

(F) significantly more likely to have depression than non-LGBTQ adults; and

(G) significantly more likely to have been worried about having enough food in the past year when compared to non-LGBTQ adults.

(7) LGBTQ youths, according to Vermont's 2019 Youth Risk Behavior Survey, are:

(A) four times more likely to purposefully hurt themselves in the preceding 12 months and four times more likely to make a suicide plan in the preceding 12 months than cisgender, heterosexual peers;

(B) five times more likely to have attempted suicide in the preceding 12 months than cisgender, heterosexual peers;

(C) over three times more likely to experience unwanted sexual contact as compared to cisgender, heterosexual peers;

(D) twice as likely to experience bullying during the preceding month and significantly more likely to skip school due to safety concerns at or on their way to or from school as compared to cisgender, heterosexual peers;

(E) nearly three times more likely to experience housing insecurity as compared to cisgender, heterosexual peers;

(F) twice as likely to face food insecurity as compared to cisgender, heterosexual peers; and

(G) twice as likely to report having a physical disability, long-term health problem, emotional problem, or learning disability as compared to cisgender, heterosexual peers.

(8) According to Preliminary Data from the 2018 State Health Assessment presented to the House Committee on Health Care by the Department of Health in January 2018, Vermonters who experience health inequities report that they:

(A) face discrimination, prejudice, and racism that is often invisible to others;

(B) do not trust and feel misunderstood by "the system";

(C) do not feel valued, included, or safe;

(D) feel like services are not designed to support them;

(E) feel a lack of agency over their health and their own lives; and

(F) believe this takes place because our society has been structured to maintain a status quo that provides them with unequal opportunities.

(9) Vermont's 2018 State Health Assessment indicates that social determinants of health are underlying, contributing factors of the foregoing

health inequities. That is, disparities in social determinants of health contribute to health inequities. Disparities in the social determinants of health exist in Vermont. For example:

(A) According to the Vermont Housing Finance Agency, just 21 percent of Black Vermonters own their own homes, whereas 72 percent of White Vermonters own their own home. Nationally, 41 percent of Black Americans own their own home.

(B) According to the Vermont Housing Finance Agency, the median household income of Black Vermonters is \$41,533.00, while the median household income of White Vermonters is \$58,244.00.

(C) According to the U.S. Census Bureau, in 2018, 23.8 percent of Black Vermonters were living in poverty, while 10.7 percent of White Vermonters lived in poverty. In addition, according to the Vermont Housing Finance Agency, 57 percent of Black Vermonters earned less than 80 percent of Vermont's median income, while 43 percent of White Vermonters earned less than 80 percent of Vermont's median income.

(D) According to the Vermont Housing Finance Agency, about one in two non-White Vermonters experience "housing problems," which is defined by the U.S. Department of Housing and Urban Development as homes that lack complete kitchen facilities or plumbing; overcrowded homes; or households paying more than 30 percent of income towards rent, mortgage payments, and utilities. One in three Vermonters experience "housing problems."

(E) According to the Vermont Coalition to End Homelessness and Chittenden County Homeless Alliance's 2020 Point-in-Time Count, Black Vermonters are overrepresented among Vermonters experiencing homelessness. While Black Vermonters make up about one percent of Vermont's population, they make up six percent of Vermonters experiencing homelessness.

(10) Vermont's role in the eugenics movement, including the State's 1931 sterilization law, and its impacts on individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities is an example of past injustice in the health care system that continues to impact members of these communities in the present day.

Sec. 2. LEGISLATIVE INTENT AND PURPOSE

(a) It is the intent of the General Assembly to promote health and achieve health equity by eliminating avoidable and unjust disparities in health through a systemic and comprehensive approach that addresses social, economic, and

environmental factors that influence health. To this end, the General Assembly believes that:

(1) Equal opportunity is a fundamental principle of American democracy.

(2) Equal enjoyment of the highest attainable standard of health is a human right and a priority of the State.

(3) Structural racism, defined as the laws, policies, institutional practices, cultural representations, and other societal norms that often work together to deny equal opportunity, has resulted in health disparities among Vermonters. Great social costs arise from these inequities, including threats to economic development, democracy, and the social health of the State of Vermont.

(4) Health disparities are a function of not only access to health care, but also social determinants of health, including the environment, the physical structure of communities, nutrition and food options, educational attainment, employment, race, ethnicity, sex, geography, language preferences, immigrant or citizen status, sexual orientation, gender identity, and socioeconomic status, that directly and indirectly affect the health, health care, and wellness of individuals and communities.

(5) Efforts to improve health in the United States have traditionally looked to the health care system as the key driver of health and health outcomes. However, there has been increased recognition that improving health and achieving health equity will require broader approaches that address factors that influence health.

(6) Health equity is the attainment of the highest level of health for all people. Health equity can be achieved only by eliminating the preventable differences in the health of one group over another as the result of factors such as race, sexual orientation, gender, disability, age, socioeconomic status, or geographic location.

(b) The purpose of this act is to eliminate disparities in health status based on race, ethnicity, disability, and LGBTQ status by:

(1) establishing better and more consistent collection and access to data;

(2) enhancing the full range of available and accessible culturally appropriate health care and public services across Vermont;

(3) ensuring the early and equitable inclusion of Vermonters who experience health inequities because of race, ethnicity, disability, and LGBTQ status in efforts to eliminate such inequities; and

(4) addressing social determinants of health, particularly social, economic, and environmental factors that influence health.

Sec. 3. 18 V.S.A. chapter 6 is added to read:

CHAPTER 6. HEALTH EQUITY

§ 251. DEFINITIONS

As used in this chapter:

(1) “Cultural competency” means a set of integrated attitudes, knowledge, and skills that enables a health care professional to care effectively for patients from cultures, groups, and communities other than that of the health care professional. At a minimum, cultural competency should include the following:

(A) awareness and acknowledgement of the health care professional’s own culture;

(B) utilization of cultural information to establish therapeutic relationships;

(C) eliciting and incorporating pertinent cultural data in diagnosis and treatment; and

(D) understanding and applying cultural and ethnic data to the process of clinical care.

(2) “Health disparity” means differences that exist among specific population groups in the United States in attaining individuals’ full health potential that can be measured by differences in incidence, prevalence, mortality, burden of disease, and other adverse health conditions.

(3) “Health equity” means all people have a fair and just opportunity to be healthy, especially those who have experienced socioeconomic disadvantage, historical injustice, and other avoidable systemic inequalities that are often associated with the social categories of race, gender, ethnicity, social position, sexual orientation, and disability.

(4) “Health equity data” means demographic data, including, but not limited to, race, ethnicity, primary language, age, gender, socioeconomic position, sexual orientation, disability, homelessness, or geographic data that can be used to track health equity.

(5) “LGBTQ” means Vermonters who identify as lesbian, gay, bisexual, transgender, queer, or questioning.

(6) “Non-White” means Black, Indigenous, and Persons of Color. It is not intended to reflect self-identity, but rather how people are categorized in

the racial system on which discrimination has been historically based in the United States and how Vermont typically disaggregates data solely by White and non-White.

(7) “Race and ethnicity” mean the categories for classifying individuals that have been created by prevailing social perceptions, historical policies, and practices. Race and ethnicity include how individuals perceive themselves and how individuals are perceived by others.

(8) “Social determinants of health” are the conditions in the environments where people are born, live, learn, work, play, worship, and age, such as poverty, income and wealth inequality, racism, and sex discrimination, that affect a wide range of health, functioning, and quality-of-life outcomes and risks. They can be grouped into five domains: economic stability; education access and quality; health care access and quality; neighborhood and built environment; and social and community context. Social determinants of health are systematic, interconnected, cumulative, and intergenerational conditions that are associated with lower capacity to fully participate in society.

§ 252. HEALTH EQUITY ADVISORY COMMISSION

(a) Creation. There is created the Health Equity Advisory Commission to promote health equity and eradicate health disparities among Vermonters, including particularly those who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities. The Advisory Commission shall amplify the voices of impacted communities regarding decisions made by the State that impact health equity, whether in the provision of health care services or as the result of social determinants of health. The Advisory Commission shall also provide strategic guidance on the development of an Office of Health Equity, including recommendations on the structure, responsibilities, and jurisdiction of such an office.

(b)(1) Membership. The Advisory Commission shall be composed of the following members:

(A) the Executive Director of Racial Equity established pursuant to 3 V.S.A. § 5001 or designee, who shall serve as chair;

(B) the Commissioner of Health or designee;

(C) the Commissioner of Mental Health or designee;

(D) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(E) the Commissioner of Vermont Health Access or designee;

-
- (F) the Commissioner for Children and Families or designee;
- (G) the Commissioner of Housing and Community Development or designee;
- (H) the Commissioner of Economic Development or designee;
- (I) the Chief Performance Officer or designee;
- (J) a member, appointed by the Racial Justice Alliance;
- (K) a member, appointed by the Rutland Area NAACP;
- (L) a member, appointed by the Association of Africans Living in Vermont;
- (M) a member, appointed by the Windham County Vermont NAACP;
- (N) a member, appointed by the Pride Center of Vermont;
- (O) a member, appointed by Outright Vermont;
- (P) a member, appointed by Migrant Justice;
- (Q) a member, appointed by Out in the Open;
- (R) a member, appointed by Another Way Community Center;
- (S) a member, appointed by Vermont Psychiatric Survivors;
- (T) a member, appointed by the Vermont Center for Independent Living;
- (U) a member, appointed by the Elnu Abenaki Tribe;
- (V) a member, appointed by the Nulhegan Abenaki Tribe;
- (W) a member, appointed by the Koasek Traditional Nation of Missiquoi;
- (X) a member, appointed by the Abenaki Nation of Missiquoi;
- (Y) a member, appointed by the Vermont Commission on Native American Affairs;
- (Z) a member, appointed by Green Mountain Self-Advocates;
- (AA) a member, appointed by Vermont Federation of Families for Children's Mental Health; and
- (BB) any other members at large that the Advisory Commission deems necessary to appoint to carry out the functions of this section, including ensuring equitable representation and a balance between impacted communities, and that health care provider perspectives are represented, based on a majority vote of the members.

(2) The term of office of each appointed member shall be three years, with the exception that members at large shall each have a term of one year. Of the members first appointed, who are not designated as at-large members, four shall be appointed for a term of one year, four shall be appointed for a term of two years, and 10 shall be appointed for a term of three years. Members shall hold office for the term of their appointments and until their successors have been appointed. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members are eligible for reappointment.

(c) Powers and duties. The Advisory Commission shall:

(1) provide preliminary guidance on the development of an Office of Health Equity and make recommendations on the structure, responsibilities, and jurisdiction of such an office, including:

(A) whether the Office shall be independent, and if not, in which State agency or department is shall be situated;

(B) how the Office shall be staffed;

(C) the populations served and specific issues addressed by the Office;

(D) the duties of the Office, including how grant funds shall be managed and distributed; and

(E) the time frame and necessary steps to establish the Office;

(2) provide advice and make recommendations to the Office of Health Equity once established, including input on:

(A) any rules or policies proposed by the Office;

(B) the awarding of grants and the development of programs and services;

(C) the needs, priorities, programs, and policies relating to the health of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities; and

(D) any other issue on which the Office of Health Equity requests assistance from the Advisory Commission;

(3) review, monitor, and advise all State agencies regarding the impact of current and emerging State policies, procedures, practices, laws, and rules on the health of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities; and

(4) identify and examine the limitations and problems associated with existing laws, rules, programs, and services related to the health status of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities; and

(5) advise the General Assembly on efforts to improve cultural competency and antiracism in the health care system through training and continuing education requirements for health care providers and other clinical professionals.

(d) Assistance. The Advisory Commission shall have the administrative, legal, and technical assistance of the Agency of Administration at the request of the Executive Director of Racial Equity.

(e) Report. Annually, on or before January 15, the Advisory Commission shall submit a written report to the Senate Committee on Health and Welfare and to the House Committees on Health Care and on Human Services with its findings and any recommendations for legislative action. The Advisory Commission is encouraged to base recommendations on the data collected and analysis completed pursuant to section 253 of this title.

(f) Meetings.

(1) The Executive Director of Racial Equity or designee shall call the first meeting of the Advisory Commission to occur on or before September 1, 2021.

(2) The Advisory Commission shall meet at least bimonthly and when requested by either the Chair or by any eight appointed members.

(3) Nine public members of the Advisory Commission shall constitute a quorum for the transaction of business.

(4) All meetings of the Advisory Commission and any subcommittees of the Advisory Commission shall be open to the public with opportunities for public comment provided on a regular basis.

(g) Acceptance of grants and other contributions. The Advisory Commission may accept from any governmental department or agency, public or private body, or any other source grants or contributions to be used in carrying out its responsibilities under this chapter.

(h) Compensation and reimbursement. Appointed members of the Advisory Commission shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for meetings as deemed appropriate by the Advisory Commission within the appropriation provided. These payments shall be made from monies appropriated to the Agency of Administration.

§ 253. DATA RESPONSIVE TO HEALTH EQUITY INQUIRIES

(a) Each State agency, department, board, or commission that collects health-related, individual data shall include in its data collection health equity data disaggregated by race, ethnicity, gender identity, age, primary language, socioeconomic status, disability, and sexual orientation. Data related to race and ethnicity shall use separate collection categories and tabulations, disaggregated beyond non-White and White, in accordance with the recommendation made by the Executive Director of Racial Equity, in consultation with the Advisory Commission.

(b)(1) The Department of Health shall systematically analyze such health equity data using the smallest appropriate units of analysis feasible to detect racial and ethnic disparities, as well as disparities along the lines of primary language, sex, disability status, sexual orientation, gender identity, socioeconomic status, and report the results of such analysis on the Department's website periodically, but not less than biannually. The Department's analysis shall be used to measure over time the impact of actions taken to reduce health disparities in Vermont. The data informing the Department's analysis shall be made available to the public in accordance with State and federal law.

(2) Annually, on or before January 15, the Department shall submit a report containing the results of the analysis conducted pursuant to subdivision (1) of this subsection to the Senate Committee on Health and Welfare and to the House Committees on Health Care and on Human Services.

Sec. 4. 3 V.S.A. § 5003 is amended to read:

§ 5003. DUTIES OF EXECUTIVE DIRECTOR OF RACIAL EQUITY

(a) The Executive Director of Racial Equity (Director) shall work with the agencies and departments to implement a program of continuing coordination and improvement of activities in State government in order to combat systemic racial disparities and measure progress toward fair and impartial governance, including:

(1) overseeing a comprehensive organizational review to identify systemic racism in each of the three branches of State government and inventory systems in place that engender racial disparities;

(2) managing and overseeing the statewide collection of race-based data to determine the nature and scope of racial discrimination within all systems of State government; ~~and~~

(3) developing a model fairness and diversity policy and reviewing and making recommendations regarding the fairness and diversity policies held by all State government systems; and

(4) temporarily overseeing and chairing the Health Equity Advisory Commission established pursuant to 18 V.S.A. § 252 until an Office of Health Equity is established.

* * *

Sec. 5. REPORT; CONTINUING EDUCATION

On or before October 1, 2022, the Health Equity Advisory Commission established pursuant to 18 V.S.A. § 252, in consultation with licensing boards, professional organizations, and providers of all health care and clinical professions, shall submit a written report to the House Committee on Health Care and to the Senate Committee on Health and Welfare with its recommendations for improving cultural competency and antiracism in Vermont's health care system through initial training, continuing education requirements, and investments.

Sec. 6. APPROPRIATION

(a) In fiscal year 2022, \$180,000.00 is appropriated to the Agency of Administration from the General Fund for use by the Executive Director of Racial Equity in carrying out the provisions of this act.

(b) It is the intent of the General Assembly that similar appropriations be made in future fiscal years until an Office of Healthy Equity is established.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

Rep. Yacovone of Morristown, 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 follows:

First: In Sec. 3, 18 V.S.A. chapter 6, in section 251, in the section header, by striking out "DEFINTIONS" and inserting in lieu thereof "DEFINITIONS"

Second: By striking out Sec. 6, appropriation, in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. REPORT; FISCAL YEAR 2023 BUDGET RECOMMENDATIONS

As part of the annual report that shall be submitted by the Health Equity Advisory Commission pursuant to 18 V.S.A. § 252(e), the Advisory Commission shall include budget recommendations for continuation of its work in fiscal year 2023, if necessary.

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, and the report of the Committee on Health Care was amended as recommended by the Committee on Appropriations. The report of the Committee on Health Care, as amended, was agreed to and third reading ordered.

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 435

Rep. Coffey of Guilford spoke for the Committee on Corrections and Institutions.

House bill, entitled

An act relating to miscellaneous Department of Corrections-related amendments

Rep. Squirrel of Underhill, for the Committee on Appropriations, recommended the bill ought to pass.

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

Thereupon, **Rep. Emmons of Springfield** moved to amend the bill as follows:

In Sec. 7, Criminal Justice Council, in the last sentence after “Joint Legislative Justice Oversight Committee” by inserting: “, including any fiscal and programmatic impact of the proposal”

Which was agreed to and third reading was ordered.

Message from the Senate No. 32

A message was received from the Senate by Mr. Marshall, 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. 88. An act relating to insurance, banking, and securities.

S. 114. An act relating to improving prekindergarten through grade 12 literacy within the State.

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

Adjournment

At six o'clock and fifty minutes in the evening, on motion of **Rep. McCoy of Poughkeepsie**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

Thursday, March 25, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 88

Senate bill, entitled

An act relating to insurance, banking, and securities

To the Committee on Commerce and Economic Development.

S. 114

Senate bill, entitled

An act relating to improving prekindergarten through grade 12 literacy within the State

To the Committee on Education.

Amendment Withdrawn; Read Third Time; Bill Passed**H. 152**

House bill, entitled

An act relating to education property tax

Was taken up, and pending third reading of the bill, **Reps. Sibila of Dover, Colburn of Burlington, Pajala of Londonderry, Sims of Craftsbury, and Small of Winooski** moved to amend the bill as follows:

First: By striking out Sec. 2, capital project costs exclusion from excess spending penalty, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Suspension of Excess Spending Penalty * * *

Sec. 2. SUSPENSION OF EXCESS SPENDING PENALTY

Notwithstanding any provision of law to the contrary, for fiscal year 2022, the excess spending penalty under 16 V.S.A. § 4001(6)(B) and 32 V.S.A. § 5401(12) is suspended.

Second: By striking out Sec. 5, effective dates, in its entirety and inserting in lieu thereof the following:

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 2–4 (suspension of excess spending penalty; 3.5 percent hold harmless; small schools grant) shall take effect on passage.

(b) Sec. 1 (yield and nonhomestead property tax rate) shall take effect on July 1, 2021.

Rep. Sibia of Dover asked and was granted leave of the House to withdraw the amendment.

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. 153

House bill, entitled

An act relating to Medicaid reimbursement rates for home- and community-based service providers

H. 159

House bill, entitled

An act relating to creating the Better Places Program

H. 171

House bill, entitled

An act relating to the governance and financing of Vermont's child care system

Bill Amended; Read Third Time; Bill Passed**H. 183**

House bill, entitled

An act relating to sexual violence

Was taken up, and pending third reading of the bill, **Rep. Rogers of Waterville** moved to amend the bill as follows:

In Sec. 1, 13 V.S.A. § 3251, in subdivision (3), by striking out “or” and inserting in lieu thereof “and”

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed**H. 435**

House bill, entitled

An act relating to miscellaneous Department of Corrections-related amendments

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

Rep. Long of Newfane presiding.

Committee Bill; Second Reading; Third Reading Ordered**H. 436**

Rep. Ode of Burlington spoke for the Committee on Ways and Means.

House bill, entitled

An act relating to miscellaneous changes to Vermont’s tax laws

Having appeared on the Calendar for Notice and appearing on the Calendar for Action, was taken up, and read the second time.

Speaker Krowinski presiding.

Thereupon, third reading was ordered.

**Committee Bill; Second Reading;
Amendment Offered; Third Reading Ordered**

H. 437

Rep. Kornheiser of Brattleboro spoke for the Committee on Ways and Means.

House bill, entitled

An act relating to changes that affect the revenue of the State

Having appeared on the Calendar for Notice and appearing on the Calendar for Action, was taken up, and read the second time.

Pending the question, Shall the bill be read a third time?, **Rep. Scheuermann of Stowe** moved to amend the bill as follows:

By striking out Secs. 1–3, property transfer tax surcharge, and their reader assistance headings in their entireties and by renumbering the remaining sections to be numerically correct.

Pending the question, Shall the bill be amended as offered by Rep. Scheuermann of Stowe?, **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. Scheuermann of Stowe?, was decided in the negative. Yeas, 53. Nays, 94.

Those who voted in the affirmative are:

Achey of Middletown
Springs
Arrison of Weathersfield
Batchelor of Derby
Brennan of Colchester
Burditt of West Rutland
Canfield of Fair Haven
Corcoran of Bennington
Cupoli of Rutland City
Dickinson of St. Albans
Town
Donahue of Northfield
Fagan of Rutland City
Feltus of Lyndon
Gannon of Wilmington
Goslant of Northfield
Graham of Williamstown
Gregoire of Fairfield
Hango of Berkshire

Harrison of Chittenden
Helm of Fair Haven
Higley of Lowell
Kimbell of Woodstock
LaClair of Barre Town
Lefebvre of Newark
Lefebvre of Orange
Leffler of Enosburgh
Marcotte of Coventry
Martel of Waterford
Martin of Franklin
Mattos of Milton
McCoy of Poultney
McFaun of Barre Town
Morgan, L. of Milton
Morgan, M. of Milton
Morrisey of Bennington
Murphy of Fairfax
Norris of Shoreham

Page of Newport City
Pajala of Londonderry
Palasik of Milton
Parsons of Newbury
Peterson of Clarendon
Rosenquist of Georgia
Savage of Swanton
Scheuermann of Stowe
Shaw of Pittsford
Sibilia of Dover
Smith of Derby
Smith of New Haven
Strong of Albany
Sullivan of Dorset
Terenzini of Rutland Town
Toof of St. Albans Town
Williams of Granby

Those who voted in the negative are:

Ancel of Calais	Elder of Starksboro	Ode of Burlington
Anthony of Barre City	Emmons of Springfield	Partridge of Windham
Austin of Colchester	Goldman of Rockingham	Patt of Worcester
Bartholomew of Hartland	Grad of Moretown	Pearl of Danville
Beck of St. Johnsbury	Hooper of Montpelier	Pugh of South Burlington
Birong of Vergennes	Hooper of Randolph	Rachelson of Burlington
Black of Essex	Hooper of Burlington	Redmond of Essex
Bluemle of Burlington	Houghton of Essex	Rogers of Waterville
Bock of Chester	Howard of Rutland City	Satcowitz of Randolph
Bongartz of Manchester	James of Manchester	Scheu of Middlebury
Bos-Lun of Westminster	Jerome of Brandon	Seymour of Sutton
Brady of Williston	Jessup of Middlesex	Sheldon of Middlebury
Briglin of Thetford	Killacky of South Burlington	Sims of Craftsbury *
Brown of Richmond	Kitzmiller of Montpelier	Small of Winooski
Brownell of Pownal	Kornheiser of Brattleboro	Squirrell of Underhill
Brumsted of Shelburne	LaLonde of South	Stebbins of Burlington
Burke of Brattleboro	Burlington	Stevens of Waterbury
Burrows of West Windsor	Lanpher of Vergennes	Surprenant of Barnard
Campbell of St. Johnsbury	Lippert of Hinesburg	Taylor of Colchester
Chase of Colchester	Long of Newfane	Till of Jericho
Christie of Hartford	Masland of Thetford	Toleno of Brattleboro
Cina of Burlington	McCarthy of St. Albans City	Townsend of South
Coffey of Guilford	McCormack of Burlington	Burlington
Colburn of Burlington	McCullough of Williston	Troiano of Stannard
Colston of Winooski	Morris of Springfield	Vyhovsky of Essex
Conlon of Cornwall	Mrowicki of Putney	Walz of Barre City
Copeland Hanzas of	Mulvaney-Stanak of	Webb of Shelburne
Bradford	Burlington	White of Bethel
Cordes of Lincoln	Nicoll of Ludlow	White of Hartford
Dolan of Essex	Nigro of Bennington	Whitman of Bennington
Dolan of Waitsfield	Notte of Rutland City	Wood of Waterbury
Donnally of Hyde Park	Noyes of Wolcott	Yantachka of Charlotte
Durfee of Shaftsbury	O'Brien of Tunbridge	

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

Norris of Sheldon	Yacovone of Morristown
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Rep. Sims of Craftsbury explained her vote as follows:

“Madam Speaker:

H. 437 builds on a successful program that helps Vermonters purchase replacement homes. We’re all acutely aware that we have a significant shortage of housing opportunities in our community. I voted no so that we can move forward with this program to invest in the future of our housing stock, our communities, and our economy.”

Pending the question, Shall the bill be read a third time?, **Rep. Burditt of West Rutland** 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, 95. Nays, 51.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Ode of Burlington
Anthony of Barre City	Goldman of Rockingham	Partridge of Windham
Arrison of Weathersfield	Grad of Moretown	Patt of Worcester
Austin of Colchester	Hooper of Montpelier	Pearl of Danville
Bartholomew of Hartland	Hooper of Randolph	Pugh of South Burlington
Beck of St. Johnsbury	Hooper of Burlington	Rachelson of Burlington
Black of Essex	Houghton of Essex	Redmond of Essex
Bluemle of Burlington	Howard of Rutland City	Rogers of Waterville
Bock of Chester	James of Manchester	Satcowitz of Randolph
Bongartz of Manchester	Jerome of Brandon	Scheu of Middlebury
Bos-Lun of Westminster	Jessup of Middlesex	Sheldon of Middlebury
Brady of Williston	Killacky of South Burlington	Sims of Craftsbury
Briglin of Thetford	Kimbell of Woodstock	Small of Winooski
Brown of Richmond	Kitzmiller of Montpelier	Squirrell of Underhill
Brownell of Pownal	Kornheiser of Brattleboro *	Stebbins of Burlington
Brumsted of Shelburne	LaLonde of South	Stevens of Waterbury
Burke of Brattleboro	Burlington	Surprenant of Barnard
Burrows of West Windsor	Lanpher of Vergennes	Taylor of Colchester
Campbell of St. Johnsbury	Lefebvre of Newark	Till of Jericho *
Chase of Colchester	Lippert of Hinesburg	Toleno of Brattleboro
Christie of Hartford	Long of Newfane	Townsend of South
Cina of Burlington	Masland of Thetford	Burlington
Coffey of Guilford	McCarthy of St. Albans City	Troiano of Stannard
Colburn of Burlington	McCormack of Burlington	Vyhovsky of Essex
Colston of Winooski	McCullough of Williston	Walz of Barre City
Conlon of Cornwall	Morris of Springfield	Webb of Shelburne
Copeland Hanzas of	Mrowicki of Putney	White of Bethel
Bradford	Mulvaney-Stanak of	White of Hartford
Cordes of Lincoln	Burlington	Whitman of Bennington
Dolan of Essex	Nicoll of Ludlow	Wood of Waterbury
Dolan of Waitsfield	Nigro of Bennington	Yantachka of Charlotte
Donnally of Hyde Park	Notte of Rutland City	
Durfee of Shaftsbury	Noyes of Wolcott	
Elder of Starksboro	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown	Hango of Berkshire	Page of Newport City
Springs	Harrison of Chittenden	Pajala of Londonderry
Batchelor of Derby	Helm of Fair Haven	Palasik of Milton
Birong of Vergennes	Higley of Lowell	Parsons of Newbury
Brennan of Colchester	LaClair of Barre Town	Peterson of Clarendon
Burditt of West Rutland *	Lefebvre of Orange	Rosenquist of Georgia

Canfield of Fair Haven	Leffler of Enosburgh	Savage of Swanton
Corcoran of Bennington	Marcotte of Coventry	Scheuermann of Stowe
Cupoli of Rutland City	Martel of Waterford	Seymour of Sutton
Dickinson of St. Albans Town	Martin of Franklin *	Shaw of Pittsford
Donahue of Northfield	Mattos of Milton	Sibilia of Dover
Fagan of Rutland City	McCoy of Poultney	Smith of Derby
Feltus of Lyndon	McFaun of Barre Town	Strong of Albany
Gannon of Wilmington	Morgan, L. of Milton	Sullivan of Dorset
Goslant of Northfield	Morgan, M. of Milton	Terenzini of Rutland Town
Graham of Williamstown	Morrissey of Bennington	Toof of St. Albans Town
Gregoire of Fairfield *	Murphy of Fairfax	Williams of Granby
	Norris of Shoreham	

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

Norris of Sheldon	Smith of New Haven	Yacovone of Morristown
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Rep. Burditt of West Rutland explained his vote as follows:

“Madam Speaker:

A recent study has Vermont at 48th in the U.S. in total taxes per capita. I fear we are headed toward that not so coveted 50th position.”

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

Despite how some would frame the issue- I doubt anyone opposes affordable housing or fails to recognize its need. It is probably an issue we can all agree on. As with many issues, it’s a matter of whether this is the right way to achieve those goals. I do not think it is.”

Rep. Kornheiser of Brattleboro explained her vote as follows:

“Madam Speaker:

I was proud to vote yes, to better to equalize the public burdens and build a Vermont that works for all of us.”

Rep. Martin of Franklin explained his vote as follows:

“Madam Speaker:

A vote of yes on this bill is a slap in the face to all of the industry workers that rely on tourists and second home owners for their income.”

Rep. Till of Jericho explained his vote as follows:

“Madam Speaker:

I vote yes. A no vote is a slap in the face to every manufacturer in Vermont. Our manufacturers desperately want the sales tax exemption for inputs, which is contained in this bill.”

Recess

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

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

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 438

Rep. Emmons of Springfield spoke for the Committee on Corrections and Institutions.

House bill, entitled

An act relating to capital construction and State bonding

Rep. Harrison of Chittenden for the Committee on Appropriations recommended the bill ought to pass.

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

Pending the question, Shall the bill be read a third time?, **Reps. Donahue of Northfield and Cordes of Lincoln** moved to amend the bill as follows:

First: In Sec. 3, human services, in subsection (a), in subdivision (1), by striking out “Physically Secure Recovery Residence” and inserting in lieu thereof “Secure Residential Recovery Facility”

Second: In Sec. 3, human services, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) The amount appropriated in subdivision (a)(1) of this section shall be used to construct a 16-bed Secure Residential Recovery Facility on Parcel ID# 200-5-003-001 as designated on the Town of Essex’s Tax Parcel Maps for transitional support for individuals who are being discharged from inpatient psychiatric care. Through interior fit-up, versus building redesign, the 16-bed facility shall include two eight-bed wings designed with the capability to allow for separation of one wing from the main section of the facility, if necessary. Both wings shall be served by common clinical and activity spaces. Neither wing shall include a locked seclusion area, and the facility shall not use

emergency involuntary procedures. Outdoor space shall be adequate for exercise and other activities but not less than 10,000 square feet.

Which was agreed to. Thereupon, third reading was ordered.

Committee Bill; Second Reading; Third Reading Ordered

H. 439

Rep. Hooper of Montpelier spoke for the Committee on Appropriations.

House bill, entitled

An act relating to making appropriations for the support of government

Having appeared on the Calendar one day for Notice and appearing on the Calendar for Action, was taken up, read the second time, and third reading ordered.

Action on Bill Postponed

H. 210

House bill, entitled

An act relating to addressing disparities and promoting equity in the health care system

Was taken up and, pending third reading, on motion of **Rep. Lippert of Hinesburg**, action on the bill was postponed until March 26, 2021.

Message from the Senate No. 33

A message was received from the Senate by Mr. Marshall, 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. 3. An act relating to competency to stand trial and insanity as a defense.

S. 51. An act relating to the persons authorized to make contributions to candidates and political parties and to political committee names.

S. 60. An act relating to allowing municipal and cooperative utilities to offer innovative rates and services.

S. 62. An act relating to creating incentives for new remote and relocation workers.

S. 66. An act relating to electric bicycles.

S. 97. An act relating to miscellaneous judiciary procedures.

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. 315. An act relating to COVID-19 relief.

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 eight 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 26, 2021

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

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 3

Senate bill, entitled

An act relating to competency to stand trial and insanity as a defense

To the Committee on Judiciary.

S. 51

Senate bill, entitled

An act relating to the persons authorized to make contributions to candidates and political parties and to political committee names

To the Committee on Government Operations.

S. 60

Senate bill, entitled

An act relating to allowing municipal and cooperative utilities to offer innovative rates and services

To the Committee on Energy and Technology.

S. 62

Senate bill, entitled

An act relating to creating incentives for new remote and relocation workers

To the Committee on Commerce and Economic Development.

S. 66

Senate bill, entitled

An act relating to electric bicycles

To the Committee on Transportation.

S. 97

Senate bill, entitled

An act relating to miscellaneous judiciary procedures

To the Committee on Judiciary.

Bill Amended; Read Third Time; Bill Passed**H. 210**

House bill, entitled

An act relating to addressing disparities and promoting equity in the health care system

Was taken up and, pending third reading of the bill, **Rep. Christie of Hartford** moved to amend the bill as follows:

First: In Sec. 3, 18 V.S.A. chapter 6, in section 252, Health Equity Advisory Commission, in subsection (b), in subdivision (1)(A), by striking out “, who shall serve as chair”

Second: In Sec. 3, 18 V.S.A. chapter 6, in section 252, Health Equity Advisory Commission, in subsection (c), by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) provide guidance on the development of the Office of Health Equity, which shall be established based on the Advisory Commission's recommendations as soon as fiscally practicable to do so, including guidance on:

(A) the structure, responsibilities, and jurisdiction of the Office;

(B) whether the Office shall be independent and, if not, in which State agency or department it shall be situated;

(C) how the Office shall be staffed;

(D) the populations served and specific issues addressed by the Office;

(E) the duties of the Office, including how grant funds shall be managed and distributed; and

(F) the time frame and necessary steps to establish the Office;

Third: In Sec. 3, 18 V.S.A. chapter 6, in section 252, Health Equity Advisory Commission, in subsection (c), by inserting subdivisions (5) and (6) to read as follows:

(5) advise the Department of Health on any funding decisions relating to eliminating health disparities and promoting health equity, including the distribution of federal monies related to COVID-19;

(6) to the extent funds are available for the purpose, distribute grants that stimulate the development of community-based and neighborhood-based projects that will improve the health outcomes of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities; and

and by renumbering the remaining subdivision to be numerically correct.

Fourth: In Sec. 3, 18 V.S.A. chapter 6, in section 252, Health Equity Advisory Commission, in subsection (f), by striking out subdivisions (2) and (3) in their entireties and inserting new subdivisions (2) and (3) to read as follows:

(2) The Advisory Commission shall select a chair and vice chair at its first meeting and annually thereafter.

(3) The Advisory Commission shall adopt procedures to govern its proceedings, including voting procedures and how the staggered terms shall be apportioned among members.

Fifth: In Sec. 4, 3 V.S.A. § 5003, duties of Executive Director of Racial Equity, in subsection (a), in subdivision (4), by striking out “and chairing” and inserting in lieu thereof “the establishment of”

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 438

House bill, entitled

An act relating to capital construction and State bonding

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

Bill Amended; Read Third Time; Bill Passed

H. 439

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. Hooper of Montpelier** moved to amend the bill as follows:

First: By striking out Sec. B.130 in its entirety and inserting in lieu thereof a new Sec. B.130 to read as follows:

Sec. B.130 Auditor of accounts

Personal services	3,965,350
Operating expenses	<u>155,226</u>
Total	4,120,576

Source of funds

General fund	344,615
Special funds	53,145
Internal service funds	<u>3,722,816</u>
Total	4,120,576

Second: By striking out Sec. B.202 in its entirety and inserting in lieu thereof a new Sec. B.202 to read as follows:

Sec. B.202 Defender general - public defense

Personal services	12,730,062
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Operating expenses	<u>1,140,326</u>
Total	13,870,388
Source of funds	
General fund	13,280,735
Special funds	<u>589,653</u>
Total	13,870,388

Third: By striking out Sec. B.203 in its entirety and inserting in lieu thereof a new Sec. B.203 to read as follows:

Sec. B.203 Defender general - assigned counsel

Personal services	6,146,919
Operating expenses	<u>49,500</u>
Total	6,196,419
Source of funds	
General fund	<u>6,196,419</u>
Total	6,196,419

Fourth: By striking out Sec. B.301 in its entirety and inserting in lieu thereof a new Sec. B.301 to read as follows:

Sec. B.301 Secretary's office - global commitment

Grants	<u>1,675,247,843</u>
Total	1,675,247,843
Source of funds	
General fund	558,903,959
Special funds	33,370,086
Tobacco fund	21,049,373
State health care resources fund	17,078,501
Federal funds	1,040,227,487
Interdepartmental transfers	<u>4,618,437</u>
Total	1,675,247,843

Fifth: By striking out Sec. B.312 in its entirety and inserting in lieu thereof a new Sec. B.312 to read as follows:

 Sec. B.312 Health - public health

Personal services	48,721,754
Operating expenses	10,018,085
Grants	<u>38,742,061</u>
Total	97,481,900

Source of funds

General fund	11,154,334
Special funds	18,897,491
Tobacco fund	1,088,918
Federal Coronavirus Relief Fund	0
Federal funds	49,379,385
Global Commitment fund	15,938,423
Interdepartmental transfers	998,423
Permanent trust funds	<u>25,000</u>
Total	97,481,900

Sixth: By striking out Sec. B.317 in its entirety and inserting in lieu thereof a new Sec. B.317 to read as follows:

Sec. B.317 Department for children and families - family services

Personal services	39,332,995
Operating expenses	4,997,338
Grants	<u>81,171,012</u>
Total	125,501,345

Source of funds

General fund	49,047,462
Special funds	729,587
Federal funds	31,365,138
Global Commitment fund	44,344,158
Interdepartmental transfers	<u>15,000</u>
Total	125,501,345

Seventh: By striking out Sec. B.318 in its entirety and inserting in lieu thereof a new Sec. B.318 to read as follows:

Sec. B.318 Department for children and families - child development

Personal services	5,281,429
Operating expenses	848,079
Grants	<u>77,021,841</u>
Total	83,151,349
Source of funds	
General fund	21,819,614
Special funds	16,820,000
Tobacco fund	0
Federal funds	33,574,814
Global Commitment fund	10,914,421
Interdepartmental transfers	<u>22,500</u>
Total	83,151,349

Eighth: By striking out Sec. B.701 in its entirety and inserting in lieu thereof a new Sec. B.701 to read as follows:

Sec. B.701 Natural resources - state land local property tax assessment

Operating expenses	<u>2,617,540</u>
Total	2,617,540
Source of funds	
General fund	2,196,040
Interdepartmental transfers	<u>421,500</u>
Total	2,617,540

Ninth: In Sec. B.1102, American Rescue Plan Act of 2021 – coronavirus state fiscal recovery fund appropriations, by striking out subdivision (a)(12) in its entirety and renumbering the remaining subdivisions to be numerically correct.

Tenth: In Sec. C.100, fiscal year 2021 one-time General Fund appropriations, by

striking out subdivisions (a)(1) and (a)(3) in their entirety and renumbering the remaining subdivisions to be numerically correct.

Eleventh: In Sec. D.101, fund transfers, reversions, and reserves, in subsection (a) by inserting a new subdivision (a)(7) to read as follows:

(7) From the General Fund to the Human Rights Commission Fund (21692): \$300,000.

Twelfth: In Sec. E. 321, Department for Children and Families, emergency housing, fiscal year 2022, in subsection (a), in the second sentence after “Federal Emergency Management Agency; Emergency” by striking out the word “Medical” and inserting the word “Rental.”

Thirteenth: By inserting a new section to be Sec. E.602.3 to read as follows:

Sec. E.602.3 VERMONT STATE COLLEGES WORKFORCE DEVELOPMENT AND EDUCATION

(a) Funds appropriated to the Vermont State Colleges in Sec. B.1102(a)(10)(C) of this act for statewide workforce training critical to post pandemic State economic recovery, in coordination with the Department of Labor, shall be allocated as follows:

(1) Welcome home scholarships. \$4,000,000 to provide scholarships of \$5,000 per year or \$2,500 per semester for full-time students enrolled for 12 or more credits, or \$3,000 per year or \$1,500 per semester for part-time students, to Vermonters transferring from out-of-state institutions or returning to school after exiting in 2020–2021. This program’s mission is to incentivize students to come home to Vermont by transferring to VSCS institutions and to complete their degree if they left school without finishing in 2020–2021.

(2) Degree completion program. \$3,000,000 to provide scholarships for up to 30 credits towards a credential of value for adult learners who have earned at least 40 credits towards an undergraduate degree and have a gap in attendance of at least two years.

(3) Critical occupations; graduate internship scholarships. \$2,000,000 to provide scholarships for up to 12 credits and incentive payments of \$15.00 per hour for up to 240 hours per semester for graduate students who are required to fulfill an internship, practicum, or clinical requirement for a graduate degree in education or mental health counseling.

(4) Critical occupations; undergraduate internship scholarships. \$1,000,000 to provide incentive payments of \$15.00 per hour for up to 240 hours per semester for undergraduate students who are required to fulfill an internship, practicum, or clinical requirement for an undergraduate degree in education or allied health.

(5) Free tuition for critical occupation careers. \$5,500,000 to provide free last dollar tuition for one year of undergraduate studies for critical occupation careers, including bookkeeping certificate, IT service desk specialist certificate, certified production technician, graphic design certificate, software and web development program, practical nursing program, electrical and plumbing apprenticeships, child care, nursing programs, mental health counseling, paramedicine, dental hygiene, certificate in accounting, small business management, radiologic science, and respiratory therapy.

(6) Workforce development 2.0. \$3,000,000 to provide funding for up to six credits or two courses, including wraparound services, for Vermonters whose employment was impacted by the COVID-19 public health emergency since March 13, 2020.

(7) Long-term care facility LPN program. \$2,000,000.00 to provide funding for tuition and wraparound services for students to pursue a practical nursing certificate program.

(b) Report. On or before January 15, 2022, the Vermont State Colleges shall submit to the General Assembly a progress report concerning the implementation of this section.

Fourteenth: In Sec. E.605, Vermont student assistance corporation, by striking out subsection (b) in its entirety, and renumber the remaining subsections to be numerically correct.

Fifteenth: In Sec. E.915, transportation – town highway aid program, by striking out subsection (a) in its entirety, and inserting in lieu thereof the following:

(a) The total appropriation in Secs. B.915 and B.1104(a)(1)(B) is authorized,

notwithstanding the provisions of 19 V.S.A. § 306(a).

Sixteenth: In Sec. G.100, provision of effective dates, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Secs. C.100 through C.106 (Fiscal Year 2021 adjustments) and Sec. F.112

(Judiciary onetime payments authorized) shall take effect upon passage.

Which was agreed to. Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass?, **Rep. Hooper of Montpelier** 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, 147. Nays, 0.

Those who voted in the affirmative are:

Achey of Middletown Springs	Grad of Moretown	Ode of Burlington
Ancel of Calais	Graham of Williamstown	Page of Newport City
Anthony of Barre City	Gregoire of Fairfield	Pajala of Londonderry
Arrison of Weathersfield	Hango of Berkshire	Palasik of Milton
Austin of Colchester	Harrison of Chittenden	Parsons of Newbury
Bartholomew of Hartland	Helm of Fair Haven	Partridge of Windham
Batchelor of Derby	Higley of Lowell	Patt of Worcester
Beck of St. Johnsbury	Hooper of Montpelier	Pearl of Danville
Birong of Vergennes	Hooper of Randolph	Peterson of Clarendon
Black of Essex	Hooper of Burlington	Pugh of South Burlington
Bluemle of Burlington	Houghton of Essex	Rachelson of Burlington
Bock of Chester	Howard of Rutland City	Redmond of Essex
Bongartz of Manchester	James of Manchester	Rogers of Waterville
Bos-Lun of Westminster	Jerome of Brandon	Rosenquist of Georgia
Brady of Williston	Jessup of Middlesex	Satcowitz of Randolph
Brennan of Colchester	Killacky of South Burlington	Savage of Swanton
Briglin of Thetford	Kimbell of Woodstock	Scheu of Middlebury
Brown of Richmond	Kitzmiller of Montpelier	Scheuermann of Stowe
Brownell of Pownal	Kornheiser of Brattleboro	Seymour of Sutton
Brumsted of Shelburne	LaClair of Barre Town	Shaw of Pittsford
Burditt of West Rutland	LaLonde of South Burlington	Sheldon of Middlebury
Burke of Brattleboro	Lanpher of Vergennes	Sibilia of Dover
Burrows of West Windsor	Lefebvre of Newark	Sims of Craftsbury
Campbell of St. Johnsbury	Lefebvre of Orange	Small of Winooski
Canfield of Fair Haven	Leffler of Enosburgh	Smith of Derby
Chase of Colchester	Lippert of Hinesburg	Smith of New Haven
Christie of Hartford	Long of Newfane *	Squirrell of Underhill
Cina of Burlington	Marcotte of Coventry	Stebbins of Burlington
Coffey of Guilford	Martel of Waterford	Stevens of Waterbury
Colburn of Burlington	Martin of Franklin	Strong of Albany
Colston of Winooski	Masland of Thetford	Sullivan of Dorset
Conlon of Cornwall	Mattos of Milton	Surprenant of Barnard
Copeland Hanzas of Bradford	McCarthy of St. Albans City	Taylor of Colchester
Corcoran of Bennington	McCormack of Burlington	Till of Jericho
Cordes of Lincoln	McCoy of Poultney *	Toleno of Brattleboro
Cupoli of Rutland City	McCullough of Williston	Toof of St. Albans Town
Dickinson of St. Albans Town	McFaun of Barre Town	Townsend of South Burlington
Dolan of Essex	Morgan, L. of Milton	Troiano of Stannard
Dolan of Waitsfield	Morgan, M. of Milton	Vyhovsky of Essex
Donahue of Northfield	Morris of Springfield	Walz of Barre City
Donnally of Hyde Park	Morrissey of Bennington	Webb of Shelburne
	Mulvaney-Stanak of Burlington	White of Bethel
		White of Hartford

Durfee of Shaftsbury	Murphy of Fairfax	Whitman of Bennington
Elder of Starksboro	Nicoll of Ludlow	Williams of Granby
Emmons of Springfield	Nigro of Bennington	Wood of Waterbury
Fagan of Rutland City	Norris of Sheldon	Yacovone of Morristown
Feltus of Lyndon	Norris of Shoreham	Yantachka of Charlotte
Gannon of Wilmington	Notte of Rutland City	
Goldman of Rockingham	Noyes of Wolcott	
Goslant of Northfield	O'Brien of Tunbridge	

Those who voted in the negative are: none

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

Mrowicki of Putney Terenzini of Rutland Town

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

I vote in support of this budget that makes significant investments in many important priorities including childcare, expansion of broad band, housing, clean water, workforce development, and our state college system. I thank our hard working Appropriations Committee for proposing a budget that leaves no Vermonter behind.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

While I support the FY22 budget as presented, I must express my concern over the use of ARPA funds without federal guidelines in place for some of these funds appropriated. As we have until 2024 to spend this money, my hope is we take a moment and pause to regroup and come back in January to appropriate the remaining ARPA funds as well as make adjustments if needed, to the 650 million dollars we have reserved or allocated in this budget. Thank you.”

Third Reading; Bill Passed

H. 437

House bill, entitled

An act relating to changes that affect the revenue of the State

Was taken up, read the third time, and passed by a vote by division: Yeas 94; Nays 45.

Amendment Offered Prior to Third Reading; Consideration Interrupted**H. 436**

House bill, entitled

An act relating to miscellaneous changes to Vermont's tax laws

Was taken up and, pending third reading of the bill, **Rep. Ode of Burlington** moved to amend the bill as follows:

After Sec. 15, pharmaceutical manufacturer annual reporting, by inserting a new Sec. 16 and its reader assistance heading to read as follows:

* * * Workers' Compensation; Rate of Contribution * * *

Sec. 16. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2022, after consideration of the formula in 21 V.S.A. § 711(b) and historical rate trends, the General Assembly determines that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall remain at the rate of 1.4 percent. The contribution rate for self-insured workers' compensation losses and workers' compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

and by renumbering the remaining section to be numerically correct.

Point of Order Raised

In response to member concerns that they were unable to vote on the prior question due to breaks in their connectivity, **Rep. Donahue of Northfield** raised a point of order in that those members experiencing voting issues should be allowed to vote even if the vote has concluded.

Recess; Point of Order Ruled

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

At ten o'clock and forty-three minutes in the forenoon, the Speaker called the House to order.

Thereupon, in response to the point of order raised by **Rep. Donahue of Northfield**, the Speaker found the point of order well taken and ruled that the body will finish the pending question, then request a rules suspension to allow for immediate reconsideration of the prior vote during which members experienced remote connectivity issues and therefore could not vote.

**Consideration Resumed; Bill Amended; Amendment Offered;
Third Reading; Bill Passed**

H. 436

Consideration resumed on House bill, entitled

An act relating to miscellaneous changes to Vermont's tax laws

Amendment offered by **Rep. Ode of Burlington** was agreed to.

Pending third reading of the bill, **Reps. Cina of Burlington, Howard of Rutland City, Anthony of Barre City, Burke of Brattleboro, Colburn of Burlington, Cordes of Lincoln, Hooper of Burlington, Mulvaney-Stanak of Burlington, Small of Winooski, Surprenant of Barnard, Vyhovsky of Essex, and Yantachka of Charlotte** moved to amend the bill as follows:

By striking out Sec. 16, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Income Tax Surcharge; State Retirement Liabilities * * *

Sec. 16. 32 V.S.A. § 435(b) is amended to read:

(b) The General Fund shall be composed of revenues from the following sources:

* * *

(5) Individual income taxes levied pursuant to chapter 151 of this title, except for the surcharge imposed and transferred pursuant to subdivision 5822(a)(7) of this title;

* * *

Sec. 17. 32 V.S.A. § 5822(a)(7) is added to read:

(7) If the federal adjusted gross income of the taxpayer exceeds \$500,000.00, then the rate of taxation under subdivisions (1)–(6) of this subsection on income over that amount shall be increased by three percent. Each year on July 1, the Office of Finance and Management shall estimate the amount of revenue raised under this subdivision in the prior taxable year and that same amount shall be transferred from the General Fund and deposited in equal shares in the Vermont State Employees' Postemployment Benefits Trust Fund established by 3 V.S.A. § 479a and the Vermont Teachers' Retirement Fund established by 16 V.S.A. § 1944.

* * * Effective Dates * * *

Sec. 18. EFFECTIVE DATES

This act shall take effect on July 1, 2021 except:

(1) Sec. 1 (taxable meal facilitators) shall take effect on August 1, 2021.

(2) Notwithstanding 1 V.S.A. § 214, Sec. 2 (alcoholic beverages) shall take effect retroactively on April 1, 2021 and apply to sales made on and after April 1, 2021.

(3) Notwithstanding 1 V.S.A. § 214, Secs. 9–10 (current use contingent lien and subordination fee) and 11 (tax expenditure statutory purpose) shall take effect retroactively on July 1, 2020. Secs. 9–10 shall take effect retroactively to correct an erroneous technical revision to 2019 Acts and Resolves, No. 20, Sec. 109(a).

(4) Secs. 16–17 (income tax surcharge) shall take effect on January 1, 2022 and shall apply to taxable year 2022 and after.

Pending the question, Shall the bill be amended as offered by Rep. Cina of Burlington and others?, **Rep. Hooper of Burlington** 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. Cina of Burlington and others?, was decided in the negative. Yeas, 21. Nays, 125.

Those who voted in the affirmative are:

Anthony of Barre City	Howard of Rutland City	Satcowitz of Randolph
Burke of Brattleboro	Lefebvre of Newark	Small of Winooski
Burrows of West Windsor	McCormack of Burlington	Surprenant of Barnard
Cina of Burlington	McCullough of Williston	Vyhovsky of Essex *
Colburn of Burlington *	Mulvaney-Stanak of	Yacovone of Morristown *
Cordes of Lincoln	Burlington	Yantachka of Charlotte *
Hooper of Randolph	Nicoll of Ludlow	
Hooper of Burlington	Notte of Rutland City	

Those who voted in the negative are:

Achey of Middletown	Graham of Williamstown	Page of Newport City
Springs	Gregoire of Fairfield	Pajala of Londonderry
Ancel of Calais *	Hango of Berkshire	Palasik of Milton
Arrison of Weathersfield	Harrison of Chittenden	Parsons of Newbury
Austin of Colchester	Helm of Fair Haven	Partridge of Windham
Bartholomew of Hartland	Higley of Lowell	Patt of Worcester
Batchelor of Derby	Hooper of Montpelier	Pearl of Danville
Beck of St. Johnsbury	Houghton of Essex	Peterson of Clarendon
Birong of Vergennes	James of Manchester	Pugh of South Burlington
Black of Essex *	Jerome of Brandon	Rachelson of Burlington
Bluemle of Burlington *	Jessup of Middlesex	Redmond of Essex
Bock of Chester	Killacky of South Burlington	Rogers of Waterville
Bongartz of Manchester	Kimbell of Woodstock	Rosenquist of Georgia

Bos-Lun of Westminster *	Kitzmiller of Montpelier	Savage of Swanton
Brady of Williston *	Kornheiser of Brattleboro *	Scheu of Middlebury
Brennan of Colchester	LaClair of Barre Town	Scheuermann of Stowe
Briglin of Thetford	LaLonde of South	Seymour of Sutton
Brown of Richmond	Burlington	Shaw of Pittsford
Brownell of Pownal	Lanpher of Vergennes	Sheldon of Middlebury
Brumsted of Shelburne	Lefebvre of Orange	Sibilia of Dover
Burditt of West Rutland	Leffler of Enosburgh	Sims of Craftsbury
Campbell of St. Johnsbury	Lippert of Hinesburg	Smith of Derby
Canfield of Fair Haven	Long of Newfane	Smith of New Haven
Christie of Hartford	Marcotte of Coventry	Squirrell of Underhill
Coffey of Guilford	Martel of Waterford	Stebbins of Burlington *
Colston of Winooski	Martin of Franklin	Stevens of Waterbury
Conlon of Cornwall	Masland of Thetford	Strong of Albany
Copeland Hanzas of Bradford	Mattos of Milton	Sullivan of Dorset *
Corcoran of Bennington	McCarthy of St. Albans City *	Taylor of Colchester
Cupoli of Rutland City	McCoy of Poultney	Till of Jericho *
Dolan of Essex	McFaun of Barre Town	Toleno of Brattleboro
Dolan of Waitsfield *	Morgan, L. of Milton	Toof of St. Albans Town
Donahue of Northfield	Morgan, M. of Milton	Townsend of South Burlington
Donnally of Hyde Park	Morris of Springfield *	Troiano of Stannard *
Durfee of Shaftsbury	Morrissey of Bennington	Walz of Barre City
Elder of Starksboro	Mrowicki of Putney	Webb of Shelburne
Emmons of Springfield	Murphy of Fairfax	White of Bethel
Fagan of Rutland City	Nigro of Bennington	White of Hartford
Feltus of Lyndon	Norris of Sheldon	Whitman of Bennington *
Gannon of Wilmington	Norris of Shoreham	Williams of Granby
Goldman of Rockingham	Noyes of Wolcott	Wood of Waterbury
Goslant of Northfield	O'Brien of Tunbridge	
Grad of Moretown	Ode of Burlington	

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

Chase of Colchester	Town
Dickinson of St. Albans	Terenzini of Rutland Town

Rep. Ancel of Calais explained her vote as follows:

“Madam Speaker:

The Snelling Surcharge, which has been referenced several times today, was a temporary increase intended to address a short term economic crisis. If we have capacity to increase taxes — and we may — we need to think carefully about how we decide to use that capacity.”

Rep. Black of Essex explained her vote as follows:

“Madam Speaker:

I vote no. An amendment that was drafted overnight, is not the appropriate process to take for either a major piece of tax policy, or for such an important issue as resolving the State pension crisis. We owe our teachers and State employees more than that. They deserve thoughtful consideration within the committees of jurisdiction. A process which provides a thorough examination of the many levers affecting this situation, including tax policy, and allows for extensive and comprehensive testimony.”

Rep. Bluemle of Burlington explained her vote as follows:

“Madam Speaker:

I voted no on this amendment for the reasons stated by many of my colleagues: I believe that issues like this require a full vetting and process. But I am grateful for the amendment, as it has raised the issue of taxation as one tool we should openly explore to address the pension issue and other unmet needs in our State.”

Rep. Bos-Lun of Westminster explained her vote as follows:

“Madam Speaker:

I voted no not because I think the idea in the amendment is not a good one to consider, but because the Legislature needs more time to explore this possibility to make the best decision for the people of Vermont through taking testimony in the legislative process to determine how to address the pension situation most effectively.”

Rep. Brady of Williston explained her vote as follows:

“Madam Speaker:

I would like to think we have always known how vital and complex the work of teachers is but surely the pandemic has made it crystal clear. Schools are the lifeblood of our communities and teachers and school staff educate, nurture, and support our most valuable asset, our children. I appreciate the intent of this amendment brought forth by the Representative from Burlington and the Workers Caucus. While I think we need to take more time to make such tax policy, I sincerely hope that our larger pension conversation will be a comprehensive one that carefully considers our values and that we remember our tax policy is a reflection of our values.”

Rep. Colburn of Burlington explained her vote as follows:

“Madam Speaker:

We have before us today the third reading for two bills that have come forward to raise revenue for the State. I’m not aware of any other vehicles forthcoming that do so. Sometimes proposals must come forward via

amendment, when committees of jurisdiction have chosen not to move them forward. I look forward to the serious consideration of this proposal, and others like it, that so many have expressed a commitment to today. Our hardworking teachers and State employees deserve nothing less.”

Rep. Dolan of Waitsfield explained her vote as follows:

“Madam Speaker:

I voted no on this amendment based on the importance of the Legislature’s deliberative process, the role of committees of jurisdiction, and their efforts to engage stakeholders, interested persons, and the public in these discussions.”

Rep. Kornheiser of Brattleboro explained her vote as follows:

“Madam Speaker:

I am deeply committed to working to continue and expand Vermont’s legacy of progressive taxation, thoughtfully, deliberatively, with solid numbers and analysis, on behalf of working Vermonters. This is not the way.”

Rep. McCarthy of St. Albans City explained his vote as follows:

“Madam Speaker:

We have just begun consideration of proposals to meet the challenge of shoring up our public retirement systems. We need a complete understanding of how proposals like this will or will not help us achieve the goal of supporting public employees with a pension they can count on. I look forward to supporting equitable, comprehensive solutions to the pension challenge in future legislation.”

Rep. Morris of Springfield explained his vote as follows:

“Madam Speaker:

I voted no for this amendment. My interest in running for the Legislature was because of the due process system of legislating. Though this amendment may have merit, I believe the process of vetting in the appropriate committees is the correct avenue. From the debate this morning, I expect any future income tax legislation will meet with similar debate. The overall income tax system may need to be part of the overall pension deficit discussion as the various committees explore multiple methods for solutions.”

Rep. Stebbins of Burlington explained her vote as follows:

“Madam Speaker:

I voted no on this amendment for many of the reasons mentioned: the lack of testimony taken, the lack of committee deliberation, the missing fiscal note from JFO, the potential unintended consequences. In a nutshell, I cannot

support developing tax policy via a House Floor amendment. But I find saying no troubling and challenging. Yes, significant work is underway in House Government Operations and I do appreciate that effort. But the proposals presented thus far have, from my albeit limited understanding, a long way to go in keeping our word to those who have trusted in us. It is March 26th and adjournment, if it is in mid-May, is nearly upon us. I truly hope that this discussion is heard for what it is: an urgent call to action, to creatively, collaboratively and deliberatively come up with a fair, equitable, and responsible solution. If the desire is to achieve this in this session, we have seven weeks. Let us work together and get this done.”

Rep. Sullivan of Dorset explained her vote as follows:

“Madam Speaker:

I voted no. There is no silver bullet to end the retirement crisis in part because each Vermonter has their own path to retirement. Each fix recommended for the Vermont retirement crisis comes with its own limitations and its own positives. The ingredients for a secure retirement in Vermont were put into existence years ago. This will be a problem of both information and retention, rather than design, that needs much analysis beginning in the committees of jurisdiction.”

Rep. Till of Jericho explained his vote as follows:

“Madam Speaker:

I don’t know at this point whether this proposal is our best option for addressing our pension crisis. I do know that the other proposal I’ve seen is not acceptable.

I also know that the best resolution of the problem will require detailed and extensive deliberations of pros and cons of every proposal. This can not be accomplished with an amendment on the floor.”

Rep. Troiano of Stannard explained his vote as follows:

“Madam Speaker:

I have long believed that this is an acceptable way to raise revenue. Tax cuts for the most wealthy Americans has furthered the division of wealth. I do believe that asking those who are more fortunate to pay a little more. The pension situation does deserve more radical thinking. I do believe that this is not an adequate process to implement such a change in policy. Thank the Workers Caucus for beginning this discussion forward and I hope it will move forward.”

Rep. Vyhovsky of Essex explained her vote as follows:

“Madam Speaker:

Our teachers and State employees, many of whom are essential workers who have carried our State through this pandemic at their own expense, must be able to trust that we are doing everything we possibly can to ensure that not only does this never happen again but also that we are committed to solving this problem in a way that is not on their backs. Working towards a permanent revenue stream is one way in which we work towards this. I have spent much of my time in my school office this year supporting crying teachers ready to leave because they do not feel supported. We have many in this State who have fared quite well during the pandemic and can give back. Our teachers and State employees give back to all of our communities everyday -- now is the moment for us to ask that those who are able to give back to do so, so that these important workers can stay here and thrive here, to continue making our communities and our whole State stronger. I am proud to vote in support of this amendment as one part of a creative solution to a very complex and difficult problem that will impact us all.”

Rep. Whitman of Bennington explained his vote as follows:

“Madam Speaker:

I do believe that a more progressive tax structure can create opportunities to address our State’s most critical issues. However, due to the magnitude of our State’s pension funding issue, and the ongoing public hearings and committee work on this topic, I **do not** believe that this amendment is the appropriate process for legislating such a consequential policy decision. I also believe that when proposing a source of revenue such as in this amendment, we need to give our due diligence to ensure that the appropriation of that revenue will bring our State the greatest social, economic, and environmental benefits.”

Rep. Yacovone of Morristown explained his vote as follows:

“Madam Speaker:

If revenues from those among us with the most are not part of the pension solution, we then force the solution solely on the backs of the people who did not cause the problem. I vote yes to show our committees of jurisdiction that I hope they will consider the use of revenues as part of the solution to our pension problems.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Madam Speaker:

I voted Yes on this amendment to emphasize that all options should be on the table in addressing the pension problem, including sharing the burden through the income tax. The benefits that were agreed to by the teachers and

State employees must be honored. I respect the committee process in spite of my vote for this amendment, and I know that your Government Operations Committee is doing its best to come up with a solution. The amendment failed, but let it be a signal that the burden of a solution should not fall on the shoulders of those who have earned their benefits.”

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

**Rules Suspended; Immediate Reconsideration; Point of Inquiry;
Bill Passed**

H. 437

Rep. Long of Newfane moved to suspend the rules to take up for immediate reconsideration the question, Shall the bill pass?, on House bill, entitled

An act relating to changes that affect the revenue of the State

Pending the vote on the question, Shall the House reconsider its vote on the question Shall the bill pass?, **Rep. Bartholomew of Hartland** raised a point of inquiry as to whether this vote can only be used one time for this question and this bill, and therefore the bill could not be reconsidered again on the next legislative day. The Speaker ruled that under Rule 80, reconsideration can only be used one time per one question.

Thereupon, the rules were suspended, the vote was taken, and the bill was passed.

Adjournment

At twelve o'clock and ten minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 30, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 20.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 29

House concurrent resolution honoring Barre Town's Town Clerk and Treasurer, Donna Kelty

H.C.R. 30

House concurrent resolution honoring Angeline Faraci for her teaching and

soccer coaching achievements

H.C.R. 31

House concurrent resolution in memory of U.S. Second Circuit Judge Peter W. Hall

H.C.R. 32

House concurrent resolution honoring Ronald J. Cioffi for his outstanding leadership of the VNA & Hospice of the Southwest Region

H.C.R. 33

House concurrent resolution in memory of Mary Theresa Ojala of Rutland

H.C.R. 34

House concurrent resolution recognizing March 26, 2021 as SEL (Social and Emotional Learning) 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 2021, seventy-sixth Biennial session.]

Tuesday, March 30, 2021

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

Devotional Exercises

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

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 34

A message was received from the Senate by Mr. Marshall, 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. 13. An act relating to the implementation of the Pupil Weighting Factors Report.

S. 25. An act relating to miscellaneous cannabis regulation procedures.

S. 33. An act relating to project-based tax increment financing districts.

S. 102. An act relating to the regulation of agricultural inputs for farming.

S. 124. An act relating to miscellaneous utility subjects.

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. 29. House concurrent resolution honoring Barre Town's Town Clerk and Treasurer, Donna Kelty.

H.C.R. 30. House concurrent resolution honoring Angeline Faraci for her teaching and soccer coaching achievements.

H.C.R. 31. House concurrent resolution in memory of U.S. Second Circuit Judge Peter W. Hall.

H.C.R. 32. House concurrent resolution honoring Ronald J. Cioffi for his outstanding leadership of the VNA & Hospice of the Southwest Region.

H.C.R. 33. House concurrent resolution in memory of Mary Theresa Ojala of Rutland.

H.C.R. 34. House concurrent resolution recognizing March 26, 2021 as SEL (Social and Emotional Learning) Day in Vermont.

House Bill Introduced

H. 440

By Rep. Sims of Craftsbury,

House bill, entitled

An act relating to creating "Green Justice Zones" in Vermont

Was read the first time and referred to the Committee on Natural Resources, Fish, and Wildlife.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 13

Senate bill, entitled

An act relating to the implementation of the Pupil Weighting Factors Report
To the Committee on Education.

S. 25

Senate bill, entitled

An act relating to miscellaneous cannabis regulation procedures

To the Committee on Government Operations.

S. 33

Senate bill, entitled

An act relating to project-based tax increment financing districts

To the Committee on Commerce and Economic Development.

S. 102

Senate bill, entitled

An act relating to the regulation of agricultural inputs for farming

To the Committee on Agriculture and Forestry.

S. 124

Senate bill, entitled

An act relating to miscellaneous utility subjects

To the Committee on Energy and Technology.

Ceremonial Reading**H.C.R. 31**

House concurrent resolution in memory of U.S. Second Circuit Judge Peter W. Hall

Offered by: All Members of the House

Having been adopted in concurrence on Friday, March 26, 2021 in accord with Joint Rule 16b, was read.

Action on Bill Postponed**H. 315**

House bill, entitled

An act relating to COVID-19 relief

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Hooper of Montpelier**, action on the bill was postponed until March 31, 2021.

Adjournment

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

Wednesday, March 31, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

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

Message from the Senate No. 35

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

Madam Speaker:

I am directed to inform the House that:

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

S. 48. An act relating to Vermont's adoption of the interstate Nurse Licensure Compact.

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. 81. An act relating to statewide public school employee health benefits.

And has passed the same in concurrence.

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

J.R.S. 21. Joint resolution relating to weekend adjournment.

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

The Governor has informed the Senate that on the 29th day of March, 2021, he approved and signed a bill originating in the Senate of the following title:

S. 117. An act relating to extending health care regulatory flexibility during and after the COVID-19 pandemic and to coverage of health care services delivered by audio-only telephone.

House Bill Introduced**H. 441**

By Rep. Till of Jericho,

House bill, entitled

An act relating to eliminating penalties on underpayments of estimated tax on retirement income

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

Senate Bill Referred**S. 48**

Senate bill, entitled

An act relating to Vermont's adoption of the interstate Nurse Licensure Compact

Was read the first time and referred to the Committee on Government Operations.

Joint Resolution Adopted in Concurrence**J.R.S. 21**

By Senator Balint,

J.R.S. 21. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 2, 2021, it be to meet again no later than Tuesday, April 6, 2021.

Was taken up, read, and adopted in concurrence.

Action on Bill Postponed**H. 315**

House bill, entitled

An act relating to COVID-19 relief

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Hooper of Montpelier**, action on the bill was postponed until April 1, 2021.

Second Reading; Resolution Amended; Third Reading Ordered**J.R.H. 2**

Rep. Stevens of Waterbury, for the Committee on General, Housing, and Military Affairs, to which had been referred House resolution, entitled

Joint resolution sincerely apologizing and expressing sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices

Reported in favor of its adoption when amended by striking out all Whereas and Resolved clauses and inserting in lieu thereof the following:

Whereas, State institutions established in the 19th century, including the Vermont State Hospital for the Insane and the Vermont Reform School, became settings for the implementation of eugenics policies, and

Whereas, in 1912, the intent of the General Assembly to develop policies that in later years would be identified as the practice of eugenics was manifested with the passage of the subsequently vetoed S.79 of 1912, “An act to authorize and provide for the sterilization of imbeciles, feeble-minded, and insane persons, rapists, confirmed criminals and other defectives” and through the enactment of Acts and Resolves No. 81 of 1912, “An act to provide for the care, training and education of feeble-minded children,” the law authorizing the Brandon Training School, which opened in 1915, and

Whereas, in 1925, University of Vermont zoology professor Henry F. Perkins established the Eugenics Survey of Vermont, with the participation of leaders within Vermont State government, to collect evidence of Vermonters alleged delinquency, dependency, and deficiency, and

Whereas, State-sanctioned eugenics policies targeted Vermonters of Native American Indian heritage, including French-Indian and Abenaki families, and persons of mixed ethnicity and of French-Canadian heritage, as well as the poor and persons with disabilities, among others, and

Whereas, in 1927, S.59 “An act related to Voluntary Eugenic Sterilization” passed the Senate but was defeated in the House, and

Whereas, the General Assembly adopted 1931 Acts and Resolves No. 174 (Act 174) “An Act for Human Betterment by Voluntary Sterilization,” for the purpose of eliminating from the future Vermont genetic pool persons deemed mentally unfit to procreate, and

Whereas, Act 174 resulted in the sterilization of Vermonters, and whether these individuals provided informed consent can be questioned, and

Whereas, this State-sanctioned eugenics policy was not an isolated example of oppression, but reflected the historic marginalization, discriminatory treatment, and displacement of these targeted groups in Vermont, and

Whereas, eugenics advocates promoted sterilization for the protection of Vermont's "old stock" and to preserve the physical and social environment of Vermont for their children, and

Whereas, the Eugenics Survey received assistance from State and municipal officials, individuals, and private organizations, and the resulting sterilization, institutionalization, and separation policies intruded on the lives of its victims and had devastating and irreversible impacts that still persist in the lives of the targeted groups and especially the descendants of those who were directly impacted, and

Whereas, in conducting the Eugenics Survey, the surveyors were granted access to case files from State agencies and institutions, and the files were made available to persons of authority, including police departments, social workers, educators, and town officials, and

Whereas, as a result of the opening of these files, children and adults were removed from families, individuals were institutionalized or incarcerated, family connections were severed, and the sense of kinship, continuity and community was lost, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly sincerely apologizes and expresses its sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices, and be it further

Resolved: That the General Assembly recognizes that further legislative action should be taken to address the continuing impact of State-sanctioned eugenics policies and related practices of disenfranchisement, ethnocide, and genocide.

The resolution, which was treated as a bill under Rule 52 and having appeared on the Calendar for Notice, was taken up, and read the second time.

Pending the question, Shall the resolution be amended as recommended by the Committee on General, Housing, and Military Affairs?, **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 resolution be amended as recommended by the Committee on General, Housing, and Military Affairs?, was decided in the affirmative. Yeas, 146. Nays, 0.

Those who voted in the affirmative are:

Achey of Middletown Springs	Goslant of Northfield	O'Brien of Tunbridge
Ancel of Calais	Grad of Moretown	Ode of Burlington *
Anthony of Barre City	Gregoire of Fairfield	Page of Newport City
Arrison of Weathersfield	Hango of Berkshire	Pajala of Londonderry
Austin of Colchester	Harrison of Chittenden	Palasik of Milton
Bartholomew of Hartland	Higley of Lowell	Parsons of Newbury
Batchelor of Derby	Hooper of Montpelier	Partridge of Windham
Beck of St. Johnsbury	Hooper of Randolph	Patt of Worcester *
Birong of Vergennes	Hooper of Burlington	Pearl of Danville
Black of Essex	Houghton of Essex	Peterson of Clarendon
Bluemle of Burlington	Howard of Rutland City	Pugh of South Burlington
Bock of Chester	James of Manchester	Rachelson of Burlington *
Bongartz of Manchester	Jerome of Brandon	Redmond of Essex
Bos-Lun of Westminster	Jessup of Middlesex	Rogers of Waterville
Brady of Williston	Killackey of South Burlington	Rosenquist of Georgia
Brennan of Colchester	Kimbell of Woodstock	Satcowitz of Randolph
Briglin of Thetford	Kitzmiller of Montpelier	Savage of Swanton
Brown of Richmond	Kornheiser of Brattleboro	Scheu of Middlebury
Brownell of Pownal	LaClair of Barre Town	Scheuermann of Stowe
Brumsted of Shelburne	LaLonde of South Burlington	Seymour of Sutton
Burditt of West Rutland	Lanpher of Vergennes	Shaw of Pittsford
Burke of Brattleboro	Lefebvre of Newark	Sheldon of Middlebury
Burrows of West Windsor	Lefebvre of Orange	Sibilia of Dover
Campbell of St. Johnsbury	Leffler of Enosburgh	Sims of Craftsbury *
Canfield of Fair Haven	Lippert of Hinesburg	Small of Winooski
Chase of Colchester	Long of Newfane	Smith of New Haven
Christie of Hartford	Marcotte of Coventry	Squirrell of Underhill
Cina of Burlington	Martel of Waterford	Stebbins of Burlington
Coffey of Guilford	Martin of Franklin	Stevens of Waterbury
Colburn of Burlington	Masland of Thetford	Strong of Albany
Colston of Winooski	Mattos of Milton	Sullivan of Dorset
Conlon of Cornwall	McCarthy of St. Albans City	Surprenant of Barnard
Copeland Hanzas of Bradford	McCormack of Burlington *	Taylor of Colchester
Corcoran of Bennington	McCoy of Poultney	Terenzini of Rutland Town
Cordes of Lincoln	McCullough of Williston	Till of Jericho
Cupoli of Rutland City	McFaun of Barre Town	Toleno of Brattleboro
Dickinson of St. Albans Town	Morgan, L. of Milton	Toof of St. Albans Town
Dolan of Essex	Morgan, M. of Milton	Townsend of South Burlington
Dolan of Waitsfield	Morris of Springfield	Troiano of Stannard
Donahue of Northfield	Morrissey of Bennington	Vyhovsky of Essex
Donnally of Hyde Park	Mrowicki of Putney	Walz of Barre City
Durfee of Shaftsbury	Mulvaney-Stanak of Burlington	Webb of Shelburne
Elder of Starksboro	Murphy of Fairfax	White of Bethel
Emmons of Springfield	Nicoll of Ludlow	White of Hartford
Fagan of Rutland City	Nigro of Bennington	Whitman of Bennington
Feltus of Lyndon	Norris of Sheldon	Williams of Granby
	Norris of Shoreham	Wood of Waterbury
		Yacovone of Morristown

Gannon of Wilmington
Goldman of Rockingham

Notte of Rutland City
Noyes of Wolcott

Yantachka of Charlotte

Those who voted in the negative are: none

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

Graham of Williamstown

Helm of Fair Haven

Smith of Derby

Rep. McCormack of Burlington explained his vote as follows:

“Madam Speaker:

Because of the well deserved reference to the University of Vermont in J.R.H. 2, let the record show that in June 2019 the University issued a public apology for its role in the Genetics Survey and changed the name of the library, removing the name of the President of the University at the time of the Genetics Survey. As one of your UVM trustees I enthusiastically voted for these actions as I do today for J.R.H. 2.”

Rep. Ode of Burlington explained her vote as follows:

“Madam Speaker:

I am grateful to vote yes for this resolution today.

Thank you for the work — over the years — to make this vote possible.”

Rep. Patt of Worcester explained his vote as follows:

“Madam Speaker:

In voting for this Resolution, I honor my parents, refugees who escaped the Holocaust and arrived in New York City on Election Day, 1940. I honor my maternal grandmother and grandfather, after whom I am named, who did not escape. I honor other members of my family who perished, including those who fought in the Resistance to that genocide.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

I am grateful for the opportunity to vote yes on this resolution and thank you and the Committee on General, Housing, and Military Affairs for this chance.

The actions of the past, including the former House body, have caused grave harm to so many. While I was not alive at the time, I know the world, and Vermont today, are very much negatively affected by these awful actions

and others that still are happening. I can vouch for the impact this trauma carries on future generations.

My extended family too was partially extinguished in firing squads, and concentration camps. I have witnessed how the impact is passed on to future generations and have seen it shape our family ever since. I remember my daughter's fascination and horror hearing those stories, and when she read Ann Frank's diary in elementary school, and her eagerness to visit the Holocaust Museum in D.C. when it first opened. We went and she got physically ill during the visit.

I voted yes, and I vow to take continue to learn more and take bystander intervention training. I commit to doing all that I can in my lifetime to put meaning into the words 'never again'."

Rep. Sims of Craftsbury explained her vote as follows:

"Madam Speaker:

J.R.H. 2 acknowledges and confronts the shameful history of eugenics and its ongoing legacies here in our State.

Today, we recognize and condemn the State-sanctioned eugenics policies and practices.

I was proud to vote yes on this resolution because our apology is an important step towards addressing the grave injustices of the past, learning from those mistakes, and strengthening our commitment to the values of freedom and unity for all."

Thereupon, third reading was ordered.

Remarks Journalized

On motion of **Rep. Cina of Burlington**, the following remarks by **Rep. Cordes of Lincoln** were ordered printed in the Journal:

"Madam Speaker:

I rise in solidarity on this Transgender Day of Visibility to celebrate Transgender people around the world, and in Vermont.

While recognition, support, and ally ship has grown considerably since the first TDoV in 2009, it is clear that we have a long way to go before our Transgender friends are truly free to be, free to live authentically and visibly without fear of the ignorance, hate, and fear imposed upon them by others. Indeed, we are witnessing an alarming increase of codification of this dangerous mindset in state policy making nationwide.

I honor the deep positive changes that the Transgender community have brought to all us, including broadening the commitment for justice for the entire LGBTQ movement, and at incredible personal risk in just demanding the freedom to be themselves, raising awareness of the broad diversity of human beings, including but not limited to the diversity in gender identity.

Lastly, I am proud to recognize and honor our sister colleague in the Legislature, the member from Winooski, for her profound and continued contributions to her town, to this General Assembly, to the State of Vermont, and to this country.”

Message from the Senate No. 36

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 passed Senate bills of the following titles:

S. 79. An act relating to improving rental housing health and safety.

S. 101. An act relating to promoting housing choice and opportunity in smart growth areas.

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

Adjournment

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

Thursday, April 1, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

House Bill Introduced**H. 442**

By Rep. Beck of St. Johnsbury,

House bill, entitled

An act relating to making miscellaneous changes to the Vermont State Employees' Retirement System and the Teachers' Retirement System

Was read the first time and referred to the Committee on Government Operations.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 79

Senate bill, entitled

An act relating to improving rental housing health and safety

To the Committee on General, Housing, and Military Affairs.

S. 101

Senate bill, entitled

An act relating to promoting housing choice and opportunity in smart growth areas

To the Committee on Natural Resources, Fish, and Wildlife.

Action on Bill Postponed**H. 315**

House bill, entitled

An act relating to COVID-19 relief

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Hooper of Montpelier**, action on the bill was postponed until April 2, 2021.

Third Reading; Joint Resolution Adopted**J.R.H. 2**

Joint resolution, entitled

Joint resolution sincerely apologizing and expressing sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices

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

Action on Bill Postponed

H. 157

House bill, entitled

An act relating to registration of construction contractors

Was taken up and pending the reading of the report of the Committee on General, Housing, and Military Affairs, on motion of **Rep. Stevens of Waterbury**, action on the bill was postponed until April 6, 2021.

Favorable Report Pending Order of Third Reading; Consideration Interrupted

H. 227

Pending the question, Shall the bill be read a third time?, **Rep. Conlon of Cornwall**, for the Committee on Education, to which had been committed House bill, entitled

An act relating to approval of amendments to the charter of the City of Winooski

Reported in favor of its passage.

Recess

At one o'clock and fifty-two minutes in the afternoon, the Speaker declared a recess until the fall of the gavel for the purpose of a Joint Assembly.

At two o'clock and ten minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Third Reading Ordered

H. 227

Consideration resumed on House bill, entitled

An act relating to approval of amendments to the charter of the City of Winooski

Pending the question, Shall the bill be read a third time?, **Rep. Shaw of Pittsford** 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, 99. Nays, 44.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Anthony of Barre City	Goldman of Rockingham	Pajala of Londonderry
Austin of Colchester	Grad of Moretown	Partridge of Windham
Bartholomew of Hartland	Hooper of Montpelier	Patt of Worcester
Beck of St. Johnsbury	Hooper of Randolph	Pearl of Danville
Birong of Vergennes	Hooper of Burlington	Pugh of South Burlington
Black of Essex	Houghton of Essex	Rachelson of Burlington
Bluemle of Burlington	Howard of Rutland City	Redmond of Essex
Bock of Chester	James of Manchester	Rogers of Waterville
Bongartz of Manchester	Jerome of Brandon	Satcowitz of Randolph
Bos-Lun of Westminster	Jessup of Middlesex	Scheu of Middlebury
Brady of Williston	Killacky of South Burlington	Sheldon of Middlebury
Briglin of Thetford	Kimbell of Woodstock	Sibilia of Dover
Brown of Richmond	Kitzmiller of Montpelier	Sims of Craftsbury
Brownell of Pownal	Kornheiser of Brattleboro	Small of Winooski
Brumsted of Shelburne	LaLonde of South	Stebbins of Burlington
Burke of Brattleboro	Burlington	Stevens of Waterbury
Burrows of West Windsor	Lanpher of Vergennes	Surprenant of Barnard
Campbell of St. Johnsbury	Lefebvre of Newark	Taylor of Colchester
Chase of Colchester	Lippert of Hinesburg	Till of Jericho
Cina of Burlington	Long of Newfane	Toleno of Brattleboro
Coffey of Guilford	Masland of Thetford	Townsend of South
Colburn of Burlington	McCarthy of St. Albans City	Burlington
Colston of Winooski	McCormack of Burlington	Troiano of Stannard
Conlon of Cornwall	McCullough of Williston	Vyhovsky of Essex
Copeland Hanzas of	Morris of Springfield	Walz of Barre City
Bradford	Mrowicki of Putney	Webb of Shelburne
Cordes of Lincoln	Mulvaney-Stanak of	White of Bethel
Dolan of Essex	Burlington	White of Hartford
Dolan of Waitsfield	Murphy of Fairfax	Whitman of Bennington
Donnally of Hyde Park	Nicoll of Ludlow	Wood of Waterbury
Durfee of Shaftsbury	Nigro of Bennington	Yacovone of Morristown
Elder of Starksboro	Notte of Rutland City	Yantachka of Charlotte
Emmons of Springfield	Noyes of Wolcott	
Feltus of Lyndon	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown	LaClair of Barre Town	Parsons of Newbury
Springs	Lefebvre of Orange	Peterson of Clarendon
Batchelor of Derby	Leffler of Enosburgh	Rosenquist of Georgia
Canfield of Fair Haven	Marcotte of Coventry	Savage of Swanton
Corcoran of Bennington	Martel of Waterford	Scheuermann of Stowe
Cupoli of Rutland City	Martin of Franklin	Seymour of Sutton
Dickinson of St. Albans	Mattos of Milton	Shaw of Pittsford
Town	McCoy of Poultney	Smith of Derby

Donahue of Northfield *	McFaun of Barre Town	Smith of New Haven
Fagan of Rutland City	Morgan, L. of Milton	Strong of Albany
Goslant of Northfield	Morgan, M. of Milton	Sullivan of Dorset
Graham of Williamstown	Morrissey of Bennington	Terenzini of Rutland Town
Gregoire of Fairfield	Norris of Sheldon	Toof of St. Albans Town
Hango of Berkshire	Norris of Shoreham	Williams of Granby
Harrison of Chittenden	Page of Newport City	
Higley of Lowell	Palasik of Milton	

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

Arrison of Weathersfield	Burditt of West Rutland	Helm of Fair Haven
Brennan of Colchester	Christie of Hartford	Squirrell of Underhill

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

I supported Montpelier’s charter change to permit its non-US citizen residents to vote on its community’s own affairs. I would have supported a charter change from Winooski to permit its non-US citizen residents to vote on its community’s own affairs. Voting on a school budget is not just about a community’s own affairs. I cannot support a change that imposes Winooski’s choices on other communities through allowing participation in votes that have a statewide impact.”

Thereupon, third reading was ordered.

Message from the Senate No. 37

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 passed Senate bill of the following title:

S. 10. An act relating to extending certain unemployment insurance provisions related to COVID-19.

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

Adjournment

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

Friday, April 2, 2021

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

Devotional Exercises

A moment of silence was held in lieu of a devotional.

House Bill Introduced**H. 443**

By Rep. Gannon of Wilmington,

House bill, entitled

An act relating to approval of the merger of the Wilmington Water District with the Town of Wilmington

Was read the first time and referred to the Committee on Government Operations.

Senate Bill Referred**S. 10**

Senate bill, entitled

An act relating to extending certain unemployment insurance provisions related to COVID-19

Was read the first time and referred to the Committee on Commerce and Economic Development.

Bill Referred to Committee on Appropriations**H. 175**

House bill, entitled

An act relating to the beverage container redemption system

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Action on Bill Postponed**H. 315**

House bill, entitled

An act relating to COVID-19 relief

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Hooper of Montpelier**, action on the bill was postponed until April 6, 2021.

Third Reading; Bill Passed

H. 227

House bill, entitled

An act relating to approval of amendments to the charter of the City of Winooski

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

Adjournment

At nine o'clock and thirty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 6, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 21.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

S.C.R. 2

Senate concurrent resolution honoring former Franklin Selectboard Chair Peter Magnant for his exemplary civic leadership.

S.C.R. 3

Senate concurrent resolution honoring former Franklin Selectboard member Yvon Dandurand for his outstanding public service.

[The full text of the concurrent resolutions appeared in the Senate Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2021, seventy-sixth Biennial session.]

Tuesday, April 6, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Page of Newport City.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 38

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 considered bills originating in the House of the following titles:

H. 10. An act relating to permitted candidate expenditures.

H. 127. An act relating to approval of amendments to the charter of the Town of Barre.

And has passed the same in concurrence.

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

S.C.R. 2. Senate concurrent resolution honoring former Franklin Selectboard Chair Peter Magnant for his exemplary civic leadership..

S.C.R. 3. Senate concurrent resolution honoring former Franklin Selectboard member Yvon Dandurand for his outstanding public service.

Bill Referred to Committee on Appropriations**H. 265**

House bill, entitled

An act relating to the Office of the Child Advocate

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Joint Resolution Referred to Committee**J.R.H. 7**

Joint resolution strongly opposing the basing of any nuclear weapon delivery system in the State of Vermont

Offered by: Representatives Small of Winooski, Cina of Burlington, Townsend of South Burlington, Bartholomew of Hartland, Brumsted of Shelburne, Burrows of West Windsor, Colburn of Burlington, Colston of Winooski, Cordes of Lincoln, Dolan of Essex, Dolan of Waitsfield, Hooper of Randolph, Houghton of Essex, Jessup of Middlesex, McCormack of Burlington, McCullough of Williston, Mulvaney-Stanak of Burlington, Patt of Worcester, Rachelson of Burlington, Troiano of Stannard, and Vyhovsky of Essex

Whereas, the State of Vermont has long been a national leader in opposing the spread of nuclear weapons, and

Whereas, on May 7, 2019, both a retired U.S. Air Force Colonel and a retired Vermont Air National Guard Lt. Colonel testified before the Vermont Senate Committee on Government Operations in opposition to the basing of the F-35 aircraft in Burlington, and

Whereas, they each testified that when the now-retired F-89 aircraft was stationed in Burlington in the 1960s it carried nuclear warheads, but that neither the U.S. Department of Defense nor the U.S. Air Force informed the State of Vermont that these weapons were being stored locally, and

Whereas, the 2018 *Nuclear Posture Review*, a publication of the U.S. Department of Defense, states that “We [the United States] are committed to upgrading the DCA (Dual-Capable Aircraft) with the nuclear-capable F-35 aircraft,” and further that “The United States is also incorporating nuclear capability onto the F-35, to be used by the United States and NATO allies, as a replacement for the current aging DCA,” and

Whereas, it is possible that the F-35s under the Vermont National Guard’s command at the Burlington International Airport could be upgraded to permit them to carry nuclear weapons, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its strong opposition to the basing of any nuclear delivery system in the State of Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Governor, to the U.S. Secretary of Defense, and to the Vermont Congressional Delegation.

Was read and, in the Speaker’s discretion, treated as a bill and referred to the Committee on General, Housing, and Military Affairs.

Recess

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

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

**Senate Proposal of Amendment Concurred in with Further Amendment
Thereeto; Rules Suspended; Bill Messaged to Senate Forthwith
H. 315**

The Senate proposed to the House to amend House bill, entitled
An act relating to COVID-19 relief

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:

* * * Federal Funding, Administration * * *

Sec. 1. FEDERAL FUNDS; ANTICIPATED RECEIPTS

(a) To the extent that appropriations in this act are made from federal funds provided by the American Rescue Plan Act of 2021 (ARPA), including state holding funds that are established as a result of the ARPA, the Commissioner of Finance and Management is authorized, to make expenditures in anticipation of receipts as necessary. The Commissioner shall immediately notify the House and Senate Appropriations Committees, or the Joint Fiscal Committee through the Joint Fiscal Office when the General Assembly is not in session, if any such expenditure is later deemed impermissible by subsequent federal guidance.

(b) The appropriations in this act from funds provided by ARPA of 2021 shall carry forward from fiscal year 2021 until expended.

Sec. 1a. AMERICAN RESCUE PLAN ACT OF 2021: ACCEPTANCE OF
SPECIFIC FEDERAL GRANTS

(a) Notwithstanding 32 V.S.A § 5, funds from the American Rescue Plan Act of 2021, the Coronavirus State Fiscal Recovery Fund, the Coronavirus Capital Projects Fund, and the Homeowner Assistance Fund shall be deposited into the State Treasury and are hereby accepted and shall be spent subject to appropriation.

(b) Notwithstanding 32 V.S.A § 5, any funds received through Section 2001 of the Elementary and Secondary School Emergency Relief Fund and not required to be made as subgrants to local educational agencies in the American Rescue Plan Act of 2021 shall be spent subject to appropriation.

Sec. 2. REMAINING CORONAVIRUS RELIEF FUNDS;
CARRYFORWARD, REVERSION, AND APPLICATION

(a) To the extent that Coronavirus Relief Fund (CRF) spending authority made through appropriation or approval of the Joint Fiscal Committee remains available as of June 30, 2021, any amounts necessary to pay for expenditures that have been obligated but not paid out as of June 30, 2021 shall carry forward to fiscal year 2022.

(b) Prior to the close of fiscal year 2021, the Commissioner of Finance and Management is authorized to revert all unobligated CRF appropriations to the State CRF. In fiscal year 2021, the total amount of CRF reverted under this subsection shall be appropriated to the Department of Corrections for CRF eligible public safety payroll and benefits costs and the same amount of General Fund appropriated to the Department of Corrections shall be reverted. To the extent there are insufficient eligible public safety payroll and benefits costs, any remaining reverted CRF balance shall be appropriated to the Department of Corrections and the same amount of General Fund appropriated to the Department of Corrections shall be reverted in fiscal year 2022.

(c) The Commissioner shall report to the House and Senate Committees on Appropriations on or before June 1, 2021 with estimates of each of the following: CRF carryforward need, CRF reversions, and total CRF appropriation to the Department of Corrections and the General Fund reversion from Department of Corrections anticipated on or before June 30, 2021 as authorized under this section. The report shall also include a brief description of the degree to which FEMA funding applications and awards are impacting these estimates. The Commissioner shall provide a final report on these amounts to the Joint Fiscal Committee at its meeting in July 2021.

* * * Commerce and Community Development; Targeted Business Grants * * *

Sec. 3. GAP ECONOMIC RECOVERY GRANTS; FISCAL YEAR 2021
ONE-TIME APPROPRIATION

(a) Appropriation.

(1)(A) In fiscal year 2021, the amount of \$10,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Agency of Commerce and Community Development to provide gap economic recovery grants to eligible businesses pursuant to this act.

(B) Of this amount, the Agency shall work with community partners to allocate \$1,000,000.00 for eligible businesses owned by Vermonters who are members of underrepresented communities that have historically experienced unequal access to State economic benefits and services or suffered

discrimination due to race, gender, socioeconomic status, citizenship status, disability status, or other similar factors.

(2) The Agency may use not more than five percent of the appropriated funds for the costs of administration, including technical assistance and guidance concerning potential eligibility for federal programs.

(b) Eligibility. To be eligible for a grant, a business shall meet the following criteria:

(1) The business is domiciled or has its primary place of business in Vermont.

(2) The business is organized and operated:

(A) on a for-profit basis, including a sole proprietor, partnership, limited liability company, business corporation, cooperative, or mutual benefit enterprise; or

(B) on a nonprofit or low-profit basis, including a mutual benefit corporation, public benefit corporation, and a low-profit limited liability company.

(3) The business submits a written plan that demonstrates that the business will use grant funds for business-related operations and economic recovery and that:

(A) the business is open at the time of application; or

(B) the business is closed due to the COVID-19 public health emergency but has a good-faith plan to reopen within 60 days of receiving the grant award and will use grant funds for reopening.

(4) The business suffered an economic loss due to the COVID-19 public health emergency and has filed a 2020 tax return that demonstrates a tax loss.

(5) At the time the business submits its application to the Agency, the business demonstrates that it has not received prior COVID-19-related State assistance and:

(A) the business has applied for the forgivable loans and grants made available through the Paycheck Protection Program, the Economic Injury Disaster Relief Advance program, or other COVID-19-related business financial assistance programs created by, or as modified by, the Consolidated Appropriations Act of 2021, P.L. 116-260, but was denied assistance because the business does not meet the eligibility criteria for any program; or

(B) the business has not applied for any such assistance based on a determination by a financial institution or other participating lender, an

attorney, an accountant, or another qualified financial professional that the business is not eligible for such assistance because the business does not meet the eligibility criteria for any program.

(6) The business is in compliance with current State health and safety protocols established by Executive Order.

(c) Amount of grant. A grant shall not exceed the lesser of:

(1) the loss demonstrated on the business's 2020 tax return;

(2) three times the eligible business's fixed monthly expenses for commercial mortgage or rent, insurance, electricity, heat, water, sewer service, telecommunications service, and Internet service; or

(3) \$150,000.00.

(d) Grant administration; use of funds; future grant awards. Any amounts that remain unspent through the program shall revert to the Agency of Commerce and Community Development for purposes of supplementing any future economic recovery grant program established prior to January 1, 2022, and if no program is established, then to the General Fund.

(e) Guidelines. Not later than 10 days after the effective date of this act, the Agency shall publish guidelines governing the implementation of the program, which at minimum shall:

(1) establish application award procedures, and a timeline for accepting applications and awarding grants;

(2) establish standards to determine whether an eligible business has its primary place of business in Vermont;

(3) establish standards for the use of grant funds for the purpose of business-related economic recovery;

(4) establish procedures to ensure that grant awards comply with the requirements of this section and that the State maintains adequate records to demonstrate compliance with this section;

(5) establish procedures to prevent, detect, and mitigate fraud, waste, error, and abuse; and

(6) establish procedures to ensure that grant applicants comply with State and federal employment and labor laws.

(f) Reporting. The Agency shall submit two reports to the House Committees on Appropriations and on Commerce and Economic Development and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs detailing the implementation of this section,

including specific information concerning the amount, identity, and demographic information of grant recipients, which shall be publicly available:

(1) an initial report following the 30-day approval period specified in subdivision (d)(1) of this section; and

(2) a final report not later than 30 days after program funds are exhausted.

(g) Auditing; compliance. The Agency shall include in all grant awards standard audit provisions, substantially similar to the audit provisions included pursuant to administrative bulletins 3.5 and 5.0, that provide that records pertaining to grant awards shall be retained and remain subject to audit and inspection by the Agency and the State Auditor of Accounts for a period of time specified by the Agency.

(h) Recapture. The Agency shall include in all grant awards standard recapture provisions, which shall include that a grant award may be subject to recapture if a recipient is found to be ineligible for the award or to have used an award for an ineligible purpose, consistent with the guidelines the Agency adopts pursuant to subsection (e) of this section.

Sec. 3a. AMERICAN RESCUE PLAN ACT OF 2021;
FUTURE BUSINESS GRANT AWARDS

The Agency of Commerce and Community Development and other relevant Executive Branch agencies and departments shall consult and coordinate in a timely manner with legislative policy committees of jurisdiction through the Office of Legislative Counsel and the Joint Fiscal Office in the development of proposals for future distributions of funds for business recovery through the American Rescue Plan Act of 2021.

Sec. 3b. VERMONT MICROBUSINESS DEVELOPMENT FUNDING

The sum of \$500,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund in fiscal year 2021 to Department for Children and Families, Office of Economic Opportunity, to be granted to the Community Action Agencies for the Statewide Community Action Network's Economic Micro Business Recovery Assistance for the COVID-19 Epidemic (EMBRACE) to assist the Vermont microbusiness owners impacted by COVID-19.

* * * Housing and Homeowner Assistance * * *

Sec. 4. VERMONT HOUSING AND CONSERVATION BOARD,
HOUSING AND FACILITIES

The sum of \$10,000,000.00 of General Fund is appropriated to the Vermont

Housing and Conservation Board in fiscal year 2021, which the Board shall use, in part through grants to nonprofit housing partners and service organizations, for housing and facilities necessary to provide safe shelter to lower-income and at-risk populations. These funds are intended to be expended as expeditiously as possible on projects ready to proceed in 2021 and designed to meet immediate housing needs.

Sec. 5. HOMEOWNER; MORTGAGE ASSISTANCE FORECLOSURE PREVENTION

The sum of \$5,000,000.00 is appropriated from Coronavirus Relief Funds in fiscal year 2021 to the Department of Housing and Community Development for a grant to the Vermont Housing Finance Agency to provide financial and technical assistance to stabilize low- and moderate-income homeowners and prevent home foreclosures for Vermont families. To the extent permitted by federal law and guidance, these funds may be used to provide mortgage assistance retroactively to January 1, 2021.

* * * Human Services, Mental Health and Health Care * * *

Sec. 6. DEPARTMENT OF MENTAL HEALTH; EMERGENCY OUTREACH SERVICES GRANTS

The sum of \$300,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 for grants to peer-led and impacted member-led organizations for emergency outreach services to address COVID-19-related needs. Of these funds, the Department shall allocate \$150,000.00 to a mental health peer-support organization and \$150,000.00 to an organization supporting the needs of LGBTQ youths.

Sec. 7. DEPARTMENT OF MENTAL HEALTH; HOUSING

The sum of \$4,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 to make existing housing and community-based service facilities providing mental health services more accessible, safe, and compliant with the Americans with Disabilities Act or to expand capacity in community settings. The Department shall select the projects in consultation with the Agency of Human Services Secretary's Office, the Department of Disabilities, Aging, and Independent Living, and representatives of the designated agencies, specialized service agencies, and peer organizations. The grants shall be awarded to organizations that demonstrate the greatest ability to respond immediately to the need for housing and shall be for projects that will not require additional State funds for operating costs in future years. At least one grant shall be awarded to a peer-

run or peer-directed housing organization. The Department of Mental Health shall partner with the Agency of Human Services Secretary's Office and the Department of Disabilities, Aging, and Independent Living to include as potential grant candidates all designated and specialized service agencies that provide developmental and mental health services.

Sec. 8. DEPARTMENT OF MENTAL HEALTH; CASE MANAGEMENT SERVICES

The sum of \$850,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 to provide funds to the mental health designated agencies to enable them each to hire an additional case manager to provide case management services to Vermont residents who may not previously have been part of an agency's caseload but whose lives have been significantly disrupted by the COVID-19 pandemic and who are now urgently in need of these agencies' supports. Agencies have the flexibility to identify where the targeted need exists within their agency, across all programs. The purpose funded in this section is limited to addressing the impacts related to the COVID-19 pandemic and not intended to create an ongoing funding commitment.

Sec. 9. DEPARTMENT OF MENTAL HEALTH; WORKFORCE TRAINING AND WELLNESS SUPPORTS

The sum of \$150,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 for training and wellness supports for frontline health care workers to help them meet Vermont residents' current mental health needs, such as training for emergency department personnel responding to an increased demand for crisis services as a result of the COVID-19 pandemic and training on trauma-informed and trauma-specific care for mental health professionals responding to the surge in mental health treatment needs. These workers would also benefit from wellness supports as they continue to care for people in crisis while experiencing their own stress, anxiety, and trauma as a result of the pandemic.

Sec. 9a. RECOVERY CENTER SUPPLEMENTAL GRANTS

(a) The sum of \$240,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Health to make grants of \$20,000.00 to cover the financial impacts of the ongoing COVID-19 pandemic at each of the recovery centers statewide.

Sec. 10. SUPPORTS FOR NEW AMERICANS, REFUGEES, AND IMMIGRANTS

(a) The sum of \$700,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Agency of Human Services in fiscal year 2021 for distribution in equal amounts to the Association of Africans Living in Vermont and the U.S. Committee for Refugees and Immigrants' Vermont Refugee Resettlement Program for various purposes related to COVID-19, including:

(1) interpretation and translation services related to COVID-19, including accessing testing and vaccines;

(2) purchasing laptops and providing digital literacy for households to ensure that children can attend school remotely, that families can access telehealth services, and that adult family members can find employment;

(3) providing case management services related to an increased need related to housing assistance, workforce development, and employment coaching; and

(4) providing navigation of Reach Up, 3SquaresVT, and other public assistance programs following job losses.

Sec. 11. GRANTS TO REACH UP PARTICIPANTS

The sum of \$1,300,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department for Children and Families in fiscal year 2021 for the purposes of distributing monies to families participating in the Reach Up program. These funds shall be distributed in a manner similar to the distribution funds made to the population under 2020 Acts and Resolves No. 136, Sec. 15.

Sec. 12. VERMONT FOOD BANK

(a) The sum of \$1,376,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund in fiscal year 2021 to the Agency of Human Services' Central Office to be granted to the Vermont Food Bank to pay the costs of the Vermont Farmers to Families Food Box Program for the months of January and February 2021.

(b) The sum of \$82,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund in fiscal year 2021 to the Agency of Human Services' Central Office to be granted to the Vermont Food Bank for statewide provision of diapers to families in need.

Sec. 13. GRANT TO THE ASSOCIATION FOR THE BLIND AND VISUALLY IMPAIRED

(a) The sum of \$100,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department

of Disabilities, Aging, and Independent Living in fiscal year 2021 to be granted to the Vermont Association for the Blind and Visually Impaired for a technology training program for older Vermonters who experience decreased vision and blindness and others who are blind or visually impaired to address social isolation resulting from social distancing.

Sec. 14. GREEN MOUNTAIN CARE BOARD; DEPARTMENT OF HEALTH; HEALTH CARE DISPARITIES; DATA COLLECTION AND ANALYSIS

(a) The sum of \$66,000.00 is appropriated from the General Fund to the Green Mountain Care Board in fiscal year 2021 to provide the State share pursuant to 18 V.S.A. § 9374(h) for updates to the Vermont Healthcare Claims Uniform Reporting and Evaluation System (VHCURES) to improve data collection related to health equity.

(b) The sum of \$134,000.00 is appropriated from the General Fund to the Department of Health in fiscal year 2021 for collection and analysis of demographic data, including race and ethnicity data, regarding Vermont residents who experience health disparities.

Sec. 14a. 18 V.S.A. § 1129(d) and (e) are amended to read:

(d) The Department may provide confidential registry information to health care provider networks serving Vermont patients, to the Vermont Health Information Exchange, and, with the approval of the Commissioner, to researchers who present evidence of approval from an institutional review board in accordance with 45 C.F.R. § 164.512.

(e) Prior to releasing confidential information pursuant to subsections (c) and (d) of this section, the Commissioner shall obtain from State registries, health care provider networks, the Vermont Health Information Exchange, and researchers a written agreement to keep any identifying information confidential and privileged.

* * * Education * * *

Sec. 15. SCHOOL INDOOR AIR QUALITY GRANT PROGRAM

(a) Appropriation. In fiscal year 2021, \$15,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund for the Pre-K–12 Education Pandemic - School Indoor Air Quality Grant Program established in 2020 Acts and Resolves No. 120, Sec. A.51. This appropriation may be adjusted if the Commissioner of Finance and Management determines that federal FEMA funds will be awarded for this purpose. The funds authorized by this section shall be either granted by the Agency of Education or paid to Efficiency Vermont to carry out the duties listed in 2020 Acts and Resolves No. 120, Sec. A.51(e). Efficiency Vermont is

authorized to use up to \$250,000.00 of the \$15,000,000.00 appropriated under this section for direct labor costs.

(b) Authorization. Efficiency Vermont shall require that any school that receives a grant through the School Indoor Air Quality Grant Program established in 2020 Acts and Resolves No. 120, Sec. A.51 authorize Efficiency Vermont to release the school name and grant amount in any report requested by the General Assembly.

(c) Reporting. Upon expenditure of the funds, the Agency of Education shall report to the House and Senate Committees on Appropriations on the specific uses of the funds appropriated in subsection (a) of this section on or before March 15, 2022.

Sec. 16. EDUCATION SERVICES; FEDERAL FUNDS APPROPRIATIONS

In fiscal year 2021 and to be carried forward, appropriations are made to the Agency of Education from federal funds for Elementary and Secondary School Relief (ESSR) funds provided in the American Rescue Plan Act of 2021 Section 2001(f) as follows:

(1) Literacy Training. \$3,000,000.00 for the Agency of Education to provide grants to supervisory districts and supervisory unions, on behalf of their member school districts, to provide professional development for teachers in methods of teaching literacy.

(A) The Agency shall administer the grant program and determine which supervisory districts and supervisory unions are eligible and the amount to be granted to each applicant based on its assessment of the relative need for this funding, taking into account the following factors across applicants:

(i) literacy assessments of students;

(ii) the number of literacy instructors per enrolled students;

(iii) the percentage of students eligible for free or reduced-priced meals;

(iv) the percentage of students who are English language learners;

(v) discrepancies in outcome data on literacy for students from historically underserved populations, including, to the extent that data is available in compliance with privacy laws, students who are Black, Indigenous, and Persons of Color and students on individualized education programs; and

(vi) the extent to which teacher professional development is integrated with a multitiered system of supports.

(B) There is established one limited service position, Education Programs Manager, within the Agency of Education for the literacy training program established by this section. The Agency of Education may utilize funds appropriated in this subdivision (1) for this position.

(2) Student Mental Health. \$500,000.00 to fund collaboration with the Department of Mental Health and Health programs in schools to educate parents and school faculty on the signs of depression and suicide and to provide information and resources for assistance.

(3) Truancy. \$1,000,000.00 to provide services to school districts and supervisory unions to address the needs of students who have been truant during the pandemic and integrate them into a supportive school culture.

(4) Afterschool and Summer Programs. \$4,000,000.00 that shall be transferred to the Department for Children and Families – Child Development Division to be distributed to the Afterschool for All program. These funds shall be used for grants to afterschool and summer programs that fulfill requirements specified in American Rescue Plan Act of 2021 pursuant to Section 2001(f)(2) and (3).

(5) Summer Meals: In fiscal year 2021 and to be carried forward, \$5,500,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Agency of Education to ensure that children and families have access to nutritious foods throughout the summer. This appropriation may be adjusted if the Commissioner of Finance and Management determines that federal FEMA funds will be awarded for this purpose.

Sec. 17. PRACTICAL NURSE; WORKFORCE FUNDING

(a) 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. These funds may 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 are 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. 18. WORKFORCE UPSKILL OPPORTUNITY

(a) The sum of \$3,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Vermont State Colleges to provide up to two free classes in the summer or fall of 2021 and spring 2022 at any of the Vermont State Colleges for any Vermont resident who is seeking to transition to a new career or to enhance the resident's job skills.

(b) The sum of \$1,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the University of Vermont to provide up to two free classes in summer or fall of 2021 and spring 2022 for any Vermont resident who is seeking to transition to a new career or to enhance the resident's job skills.

Sec. 19. RECENT HIGH SCHOOL GRADUATES; ADVANCEMENT OPPORTUNITY

(a) The sum of \$2,800,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Vermont Student Assistance Corporation (VSAC) to provide up to two free class in the summer or fall of 2021 and spring 2022 at any of the Vermont State Colleges for any Vermont 2020 or 2021 high school graduate to enhance the graduate's work or academic skills. VSAC may provide a stipend of \$200.00 per student per class for transportation, books, or other class or attendance-related costs, and may allocate up to \$100,000.00 for the cost of administering this program.

* * * Reserve for Retirement Related Obligations * * *

Sec. 20. PENSION AND OTHER POSTEMPLOYMENT BENEFIT OBLIGATIONS; LONG-TERM PLAN

(a) In fiscal year 2021, the amount of \$20,000,000.00 in General Fund monies is hereby reserved to be part of pension funding initiatives and prefunding of other postemployment benefits (OPEB).

(b) On or before May 30, 2021, the General Assembly and the Administration, in collaboration with the Treasurer and interested parties, shall develop a long-term plan to address pension and OPEB liabilities. The funds reserved in subsection (a) of this section are available for an appropriation as part of this long-term funding initiative.

* * * Public Service; Broadband * * *

Sec. 21. BROADBAND ALLOCATIONS AND APPROPRIATIONS

(a) Coronavirus Relief Fund (CRF) Authorization and Allocation: Notwithstanding any other provision of law to the contrary, the Department of Public Service is authorized to use \$3,200,000.00 of the unobligated balance remaining from the CRF appropriated to the Department for broadband programs in 2020 Acts and Resolves No. 137 as follows:

(1) \$1,600,000.00 shall be allocated for additional assistance under the COVID-Response Line Extension Customer Assistance Program established in 2020 Acts and Resolves No. 137, Sec. 13. The customer costs eligible for financial assistance under this Program shall include costs for associated equipment such as routers and modems; and

(2) \$1,600,000.00 shall be allocated to extend the COVID-Response Temporary Broadband Lifeline Program established in 2020 Acts and Resolves No. 137, Sec. 13(d) for the covered period beginning on March 1, 2021 and extending until such funds are depleted. The subsidy under this Program may be used for the provision of broadband service and connected devices.

(b) The sum of \$1,800,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Public Service as follows:

(1) \$1,600,000.00 for the COVID-Response Connected Community Resilience Program established in 2020 Acts and Resolves No. 137, Sec. 14, and for a broadband infrastructure program to assist CUDs with preconstruction costs and general support services; and

(2) \$200,000.00 to fund the following:

(A) one or more limited-term employment positions to provide outreach, technical assistance, and other support services to communications union districts;

(B) restoration of the Vermont Relay Conference Captioning (RCC) service for remote conference calling service for the deaf or hard of hearing; and

(C) Wi-Fi hotspot license renewals.

* * * Natural Resources and Agriculture * * *

Sec. 22. NATURAL RESOURCES AND AGRICULTURE

(a) In fiscal year 2021, funds are appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund as follows:

(1) \$3,000,000.00 to the Agency of Agriculture, Food and Markets for the Working Lands Program. Of these funds, \$500,000.00 is allocated for a grants related to slaughter, meat processing and meat processing training proposals.

(2) \$10,000,000.00 to the Agency of Natural Resources for the following:

(A) \$5,000,000.00 to the Department of Forests, Parks and Recreation for the Vermont Outdoor Recreation Economic Collaborative (VOREC); and

(B) \$5,000,000.00 to the Vermont Agency of Natural Resources' Central Office for investments to improve recreational infrastructure and access on State lands and to fund repairs and improvements to Vermont's trail network on both private and public land.

(b) In fiscal year 2021, funds are appropriated from the General Fund as follows:

(1) \$14,000,000.00 to the Department of Environmental Conservation for brownfield remediation and environmental clean-up and related administrative costs; and

(2) \$250,000.00 to the Agency of Agriculture for continuation of work in soil conservation practice and payment for ecosystem services including the costs of the task force established by 2019 Acts and Resolves No. 83.

Sec. 23. [Deleted.]

Sec. 24. TAXATION; ANNUAL LINK TO FEDERAL STATUTES;
TAX YEAR 2020

It is the intent of the General Assembly that this act shall include legislative language conforming the Vermont tax code under 32 V.S.A. §§ 5824 and 7402(8) to the statutes of the United States for taxable year 2020, and further, to make explicit in this act the incorporation or lack thereof of the federal income tax-related changes enacted on March 11, 2021 in the American Recovery Plan Act, Pub. L. No. 117-2.

* * * Technical Assistance * * *

Sec. 25. PROVISION OF TECHNICAL ASSISTANCE SERVICES TO
LOCAL EDUCATION AGENCIES

(a) The sum of \$2,800,000.00 is appropriated in fiscal year 2021 and to be carried forward, to the Agency of Education from federal funds for Elementary and Secondary School Relief (ESSR) funds provided in the American Rescue Plan Act of 2021 Section 2001(f)(1), to fund a contract or

contracts, for the period of award through December 2023, to provide support for Local Educational Agencies (LEAs), including charter schools that are LEAs, in their utilization of Federal Elementary and Secondary School Emergency Relief Funds and with assistance in utilization of other federal funds received through the various federal budget processes.

(b) Specifically, the contractor or contractors shall assist the LEAs with activities:

(1) to address learning loss by supporting the implementation of evidence-based interventions;

(2) to address the disproportionate impact of the coronavirus on the student subgroups described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care;

(3) to aid LEAs with planning and implementation to effectively use these federal funds for other areas of need consistent with state and federal law and regulations; including but not limited to facilities improvements and technological needs.

(4) to aid LEAs in prioritizing activities that will effectively use these federal funds without creating an ongoing funding demand.

(5) to assist in fund reporting and to provide other guidance to ensure that the funds are used in accordance with federal law and regulations within the time period allowed by law.

(c) The Agency may go through a bidding process or is authorized to award a sole source contract consistent with 3 V.S.A. § 3026 to the University of Vermont.

Sec. 26. PROVISION OF TECHNICAL ASSISTANCE SERVICES TO LOCAL GOVERNMENTS

(a) The sum of \$950,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Agency of Commerce and Community Development to be granted as follows:

(1) \$650,000.00 to the Vermont League of Cities and Towns (VLCT), to be used through State fiscal year 2024, to establish a support program for the use of federal funds received under 42 U.S.C. 801 Sec. 603, the Coronavirus Local Fiscal Recovery Fund. The VLCT shall use these resources to work with local governments to facilitate the local communities' efforts to:

(A) respond to the public health emergency with respect to COVID-19 and its negative economic impacts;

(B) assist with fund reporting, accountability, transparency, and usage technical assistance where necessary;

(C) provide for other guidance to ensure that 42 U.S.C. 801 Sec. 603 funds are used in accordance with federal law and regulations; and

(D) provide guidance; model templates and policies; and training on ARP compliant finance and program management.

(2) \$300,000 to one or more regional planning commissions, to be used through state fiscal year 2024, to establish and implement a capacity to assist local communities with specific project management needs in expending federal funds received under 42 U.S.C. 801 Sec. 603. The Regional Planning Entities shall use these resources to work with local governments to facilitate the local communities' efforts to:

(A) identify needs and top priorities for designing and building projects that are consistent with state and federal law; implement existing State, regional and local plans; and do not duplicate investments made by other federal recovery funds;

(B) respond to inquiries on eligibility and to facilitate local discussions among stakeholders on specific projects; and

(C) provide other assistance as needed from local communities in coordination with the VLCT.

* * * Other Miscellaneous Amendments * * *

Sec. 27. VERMONT CENTER FOR CRIME VICTIM SERVICES

The amount of \$27,500.00 is appropriated from the General Fund in fiscal year 2021 to the Vermont Center for Crime Victim Services for a grant to the Burlington Community Justice Center for the St. Joseph's Orphanage Restorative Inquiry.

Sec. 28. AUDIT OF SHERIFFS' USE OF STATE PAID DEPUTIES

The amount of \$25,000.00 is appropriated from the General Fund in fiscal year 2021 to the Vermont State Auditor to contract for up to five audits of the use of State paid deputies by county sheriffs during the state of emergency in calendar year 2020.

Sec. 29. HEALTHCARE WAIVERS: LEGISLATIVE CAPACITY

The Joint Fiscal Office is authorized to use available legislative appropriations including carryforward funds to engage a consultant to assist the legislative health care and fiscal committees on the policy and fiscal implications and opportunities related to the Global Commitment waiver and

All Payer agreement renewals with Center for Medicaid and Medicare Services.

Sec. 30. 2020 Acts and Resolves No. 154, Sec. B.1123.1 is amended to read:

Sec. B.1123.1 FISCAL YEAR 2021 YEAR-END CLOSEOUT TRANSFERS

(a) At the close of fiscal year 2021, after the application of the provisions of 32 V.S.A. § 308(b), and before the application of 32 V.S.A. § ~~308(e)~~ 308c up to \$5,000,000 of any remaining unreserved and undesignated end of fiscal year 2021 General Fund surplus shall be allocated as follows:

* * *

Sec. 31. 2020 Acts and Resolves No. 154, Sec. B.330 as amended by 2021 Acts and Resolves No. 3 (Budget Adjustment Act) Sec. 25 is further amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,375,620</u>	<u>19,375,620</u>
Total	19,375,620	19,375,620
Source of funds		
General fund	7,454,782	7,454,782
Federal funds	<u>7,748,373</u>	7,148,466
Global Commitment fund	<u>4,172,465</u>	<u>4,772,372</u>
Total	19,375,620	19,375,620

Sec. 32. 2020 Acts and Resolves No. 154, Sec. B.346, as amended by 2021 Acts and Resolves No. 3, Sec. 30, is further amended to read:

Sec. B.346 Total human services

Source of funds

General fund	977,495,760	977,495,760
Special funds	116,403,523	116,403,523
Tobacco fund	25,088,208	25,088,208
State health care resources fund	17,078,501	17,078,501
Federal Coronavirus Relief Fund	17,774,276	17,774,276
Federal funds	<u>1,471,852,944</u>	1,471,253,037
Global Commitment fund	<u>1,592,184,231</u>	1,592,784,138
Internal service funds	1,930,685	1,930,685
Interdepartmental transfers	46,869,842	46,869,842
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	4,266,702,970	4,266,702,970

* * * Effective Dates * * *

Sec. 33. EFFECTIVE DATES

This act shall take effect on passage, except notwithstanding 1 V.S.A. § 214, Sec. 5 (mortgage assistance foreclosure assistance) shall take effect retroactively on January 1, 2021.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Reps. Hooper of Montpelier, Fagan of Rutland City, Feltus of Lyndon, Helm of Fair Haven, Jessup of Middlesex, Scheu of Middlebury, Squirrell of Underhill, Toleno of Brattleboro, Townsend of South Burlington, and Yacovone of Morristown** moved to concur in the Senate proposal of amendment with a further amendment thereto by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Federal Funding, Administration * * *

Sec. 1. FEDERAL FUNDS; ANTICIPATED RECEIPTS

(a) To the extent that appropriations in this act are made from federal funds provided by the American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2, in the Coronavirus State Fiscal Recovery Fund and the Elementary and Secondary School Emergency Relief Fund, the Commissioner of Finance and Management is authorized to make expenditures in anticipation of receipts as necessary. The Commissioner shall immediately notify the House and Senate Committees on Appropriations, or the Joint Fiscal Committee through the Joint Fiscal Office when the General Assembly is not in session, if any such expenditure is later deemed impermissible by subsequent federal guidance.

(b) The Commissioner shall maximize the use of Federal Emergency Management Administration (FEMA) funds where expenses are eligible, and the use of FEMA funds does not delay or inhibit the purpose of the funded program or activity. To the extent that FEMA funding is used, the Commissioner shall reduce funding to the extent that FEMA resources reduce the need for appropriated resources.

(c) The appropriations in this act shall carry forward from fiscal year 2021 until expended.

Sec. 1a. AMERICAN RESCUE PLAN ACT OF 2021: ACCEPTANCE OF
SPECIFIC FEDERAL GRANTS

(a) Notwithstanding 32 V.S.A § 5, funds from the American Rescue Plan Act of 2021 (ARPA), the Coronavirus State Fiscal Recovery Fund, and the Coronavirus Capital Projects Fund shall be deposited into the State Treasury and are hereby accepted and shall be spent subject to appropriation.

(b) Notwithstanding 32 V.S.A § 5, any funds received through Section 2001 of the Elementary and Secondary School Emergency Relief Fund and not required to be made as subgrants to local educational agencies in ARPA shall be spent subject to appropriation.

Sec. 1b. REPORTING BY ENTITIES OUTSIDE STATE

GOVERNMENT ON USE OF FUNDS

Any recipient state agency that grants funds appropriated in this act to a non-state recipient shall require that recipient to report on the specific uses of the funds on or before November 1, 2021. Granting agencies shall compile and report on the use these funds to the General Assembly by December 1, 2021.

Sec. 1c. INTENT REGARDING FUTURE STATE FUNDING

The purpose of funding appropriated from ARPA in this act is related to addressing impacts of the COVID-19 pandemic as well as making investments for a sustained economic recovery. The appropriation of these funds is not intended to create a future funding commitment from other State funds.

Sec. 2. REMAINING CORONAVIRUS RELIEF FUNDS;

CARRYFORWARD, REVERSION, AND APPLICATION

(a) To the extent that Coronavirus Relief Fund (CRF) spending authority made through appropriation or by approval of the Joint Fiscal Committee remains available as of June 30, 2021, any amounts necessary to pay for expenditures that have been obligated but not paid out as of June 30, 2021 shall carry forward to fiscal year 2022.

(b) Prior to the close of fiscal year 2021, the Commissioner of Finance and Management is authorized to revert all unobligated CRF appropriations to the State CRF. In fiscal year 2021, the total amount of CRF reverted under this subsection shall be appropriated to any agency or department for CRF eligible public safety payroll and benefits costs or other eligible CRF costs and the same amount of General Fund appropriated shall be reverted. To the extent there are insufficient CRF eligible costs in fiscal year 2021, any remaining reverted CRF balance shall be appropriated and carried forward to any agency or department with eligible CRF costs in fiscal year 2022 where an equal amount of general funds shall be reverted in fiscal year 2022 though the budget adjustment process.

(c) The Commissioner shall report to the House and Senate Committees on Appropriations on or before June 1, 2021 with estimates of each of the following: CRF carryforward need, CRF reversions, and total CRF appropriations to the Department of Corrections and other departments with eligible CRF costs; and the General Fund reversions anticipated on or before

June 30, 2021 as authorized under this section. The report shall also include a brief description of the degree to which Federal Emergency Management Agency (FEMA) funding applications and awards are impacting these estimates. The Commissioner shall provide an update on these amounts to the Joint Fiscal Committee at its meeting in July 2021.

* * * Commerce and Community Development; Targeted Business Grants * * *

Sec. 3. ECONOMIC RECOVERY BRIDGE GRANTS

(a) Purpose.

(1) The purpose of this section is to provide bridge funding to businesses that suffered a tax loss in 2020 and require immediate State aid, either to remain open or to reopen the business, until additional federal funds can be deployed and until the economic recovery provides a more stable stream of revenue to support business operations.

(2) The funding in this section is primarily intended for businesses that have not received prior State or federal financial assistance. Because these businesses have not benefited from State or federal programs, they are eligible for grants that will provide funding for fixed operating costs or a threshold amount in order to ensure they remain viable.

(3) To the extent that funds remain available, businesses that have already received prior State or federal assistance may receive grants under the program, with priority for those businesses that, after adding to the business's income the amount of any nontaxable COVID-19-related direct financial assistance from State or federal sources, the business still would have suffered a tax loss.

(b) Appropriation.

(1) In fiscal year 2021, the amount of \$10,000,000.00 is appropriated from the American Rescue Plan Act of 2021- Coronavirus State Fiscal Recovery Fund to the Agency of Commerce and Community Development to provide grants to eligible businesses pursuant to this act.

(2) The Agency may use not more than five percent of the appropriated funds for the costs of administration, including technical assistance and guidance concerning potential eligibility for federal programs.

(3) The Agency shall make best reasonable efforts to conduct outreach, provide information, and provide necessary assistance for women- and BIPOC-owned businesses to access grant funds.

(c) Eligibility. To be eligible for a grant, a business shall meet the following criteria:

(1) The business is domiciled or has its primary place of business in Vermont.

(2) The business is organized and operated:

(A) on a for-profit basis, including a sole proprietor, partnership, limited liability company, business corporation, cooperative, or mutual benefit enterprise; or

(B) on a nonprofit or low-profit basis, including a mutual benefit corporation, public benefit corporation, and a low-profit limited liability company.

(3) The business:

(A) is open at the time of application and attests that it will use grant funds for business-related operations and economic recovery; or

(B)(i) is closed at the time of application due to the COVID-19 public health emergency;

(ii) attests that it will use grant funds for resuming its business operations and economic recovery; and

(iii) submits a brief written description of its good faith plan to reopen.

(4) The business suffered a tax loss due to the COVID-19 public health emergency as evidenced by its federal 2020 income tax return.

(5) The business complies with current State health and safety protocols established by Executive Order.

(d) Amount of grant.

(1) A grant shall not exceed the lesser of:

(A) three times the eligible business's fixed monthly expenses for commercial mortgage or rent, insurance, electricity, heat, water, sewer service, telecommunications service, and Internet service; or

(B) \$150,000.00.

(2) The Agency may reduce the amount of a grant pursuant to guidelines it adopts for that purpose based on the amount of any COVID-19-related direct financial assistance that the business has received from State or federal sources.

(e) Grant administration; priorities.

(1) Beginning on the date the Agency begins accepting applications, for an initial 30-day period, the Agency may accept applications from eligible

businesses but shall award grants only to eligible businesses that have not received any COVID-19-related direct financial assistance from State or federal sources.

(2) After the initial 30-day period, the Agency shall continue to accept applications and award grants consistent with the following:

(A) The Agency shall give first priority to eligible businesses that have not received any COVID-19-related direct financial assistance from State or federal sources.

(B) The Agency shall give subsequent priority to eligible businesses that, after adding to the business's income the amount of any nontaxable COVID-19-related direct financial assistance from State or federal sources, the business still would have suffered a tax loss.

(f) Grant administration; use of funds; future grant awards. Any amounts that remain unspent through the program shall revert to the Agency of Commerce and Community Development for purposes of supplementing any future economic recovery grant program established prior to January 1, 2022 and, if no program is established, then to the American Rescue Plan Act of 2021 – Coronavirus State Fiscal Recovery Fund.

(g) Guidelines. Not later than 10 days after the effective date of this act, the Agency shall publish guidelines governing the implementation of the program, which at minimum shall:

(1) establish application award procedures and a timeline for accepting applications;

(2) establish standards to determine whether an eligible business has its primary place of business in Vermont;

(3) establish standards for the use of grant funds for the purpose of business-related economic recovery;

(4) establish procedures to ensure that grant awards comply with the requirements of this section and that the State maintains adequate records to demonstrate compliance with this section;

(5) establish procedures to prevent, detect, and mitigate fraud, waste, error, and abuse; and

(6) establish procedures to ensure that grant applicants comply with State and federal employment and labor laws.

(h) Reporting. The Agency shall submit two reports to the House Committees on Appropriations and on Commerce and Economic Development and the Senate Committees on Appropriations and on Economic Development,

Housing and General Affairs detailing the implementation of this section, including specific information concerning the amount, identity, and demographic information of grant recipients, which shall be publicly available:

(1) an initial report following the 30-day approval period specified in subdivision (e)(1) of this section; and

(2) a final report not later than 30 days after program funds are exhausted.

(i) Auditing; compliance. The Agency shall include in all grant awards standard audit provisions, substantially similar to the audit provisions included pursuant to Administrative Bulletins 3.5 and 5.0, that provide that records pertaining to grant awards shall be retained and remain subject to audit and inspection by the Agency and the State Auditor of Accounts for a period of time specified by the Agency.

(j) Recapture. The Agency shall include in all grant awards standard recapture provisions, which shall include that a grant award may be subject to recapture if a recipient is found to be ineligible for the award or to have used an award for an ineligible purpose, consistent with the guidelines the Agency adopts pursuant to subsection (g) of this section.

Sec. 3a. VERMONT MICROBUSINESS DEVELOPMENT FUNDING

The sum of \$500,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund in fiscal year 2021 to the Department for Children and Families, Office of Economic Opportunity, to be granted to the Community Action Agencies for the Statewide Community Action Network's Economic Micro Business Recovery Assistance for the COVID-19 Epidemic (EMBRACE) to assist the Vermont microbusiness owners impacted by COVID-19 and for new businesses started by individuals who have been impacted by the COVID-19 pandemic through layoffs, furloughs, reduced hours, or due to being employed in an industry that has been severely affected.

* * * Housing and Homeowner Assistance * * *

Sec. 4. VERMONT HOUSING AND CONSERVATION BOARD,

HOUSING AND FACILITIES

The sum of \$10,000,000.00 is appropriated from the General Fund to the Vermont Housing and Conservation Board in fiscal year 2021, which the Board shall use, in part through grants to nonprofit housing partners and service organizations, for housing and facilities necessary to provide safe shelter to lower-income and at-risk populations. These funds are intended to

be expended as expeditiously as possible on projects ready to proceed in 2021 and designed to meet immediate housing needs.

Sec. 5. HOMEOWNER; MORTGAGE ASSISTANCE FORECLOSURE
PREVENTION

The sum of \$5,000,000.00 is appropriated from the Coronavirus Relief Funds in fiscal year 2021 to the Department of Housing and Community Development for a grant to the Vermont Housing Finance Agency to provide financial and technical assistance to stabilize low- and moderate-income homeowners and prevent home foreclosures for Vermont families. To the extent permitted by federal law and guidance, these funds may be used to provide mortgage assistance retroactively to January 1, 2021.

* * * Human Services, Mental Health and Health Care * * *

Sec. 6. DEPARTMENT OF MENTAL HEALTH; EMERGENCY
OUTREACH SERVICES GRANTS

The sum of \$300,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 for grants to peer-led and impacted member-led organizations for emergency outreach services to address COVID-19-related needs. Of these funds, the Department shall allocate \$150,000.00 to a mental health peer-support organization and \$150,000.00 to an organization supporting the needs of LGBTQ youths.

Sec. 7. DEPARTMENT OF MENTAL HEALTH; HOUSING

The sum of \$4,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 to make existing housing and community-based service facilities providing mental health services more accessible, safe, and compliant with the Americans with Disabilities Act or to expand capacity in community settings. The Department shall select the projects in consultation with the Agency of Human Services Secretary's Office, the Department of Disabilities, Aging, and Independent Living, and representatives of the designated agencies, specialized service agencies, and peer organizations. The grants shall be awarded to organizations that demonstrate the greatest ability to respond immediately to the need for housing and shall be for projects that will not require additional State funds for operating costs in future years. At least one grant shall be awarded to a peer-run or peer-directed housing organization. The Department of Mental Health shall partner with the Agency of Human Services Secretary's Office and the Department of Disabilities, Aging, and Independent Living to include as

potential grant candidates all designated and specialized service agencies that provide developmental disability or mental health services.

Sec. 8. DEPARTMENT OF MENTAL HEALTH; CASE MANAGEMENT
SERVICES

The sum of \$850,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 to provide funds to the designated community mental health agencies to enable them each to hire an additional case manager to provide case management services to Vermont residents who may not previously have been part of an agency's caseload but whose lives have been significantly disrupted by the COVID-19 pandemic and who are now urgently in need of these agencies' supports. Agencies have the flexibility to identify where the targeted need exists within their agency, across all programs. The purpose of the funds appropriated in this section is limited to addressing the impacts related to the COVID-19 pandemic and the appropriation of these funds is not intended to create an ongoing funding commitment.

Sec. 9. DEPARTMENT OF MENTAL HEALTH; WORKFORCE
TRAINING AND WELLNESS SUPPORTS

The sum of \$150,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 for training and wellness supports for frontline health care workers to help them meet Vermont residents' current mental health needs, such as training for emergency department personnel responding to an increased demand for crisis services as a result of the COVID-19 pandemic and training on trauma-informed and trauma-specific care for mental health professionals responding to the surge in mental health treatment needs. These workers would also benefit from wellness supports as they continue to care for people in crisis while experiencing their own stress, anxiety, and trauma as a result of the pandemic.

Sec. 9a. RECOVERY CENTER SUPPLEMENTAL GRANTS

The sum of \$240,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Health to make grants of \$20,000.00 to cover the financial impacts of the ongoing COVID-19 pandemic at each of the recovery centers statewide.

Sec. 10. SUPPORTS FOR NEW AMERICANS, REFUGEES, AND
IMMIGRANTS

(a) The sum of \$700,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Agency of Human Services in fiscal year 2021 for distribution in equal amounts to the Association of Africans Living in Vermont and the U.S. Committee for Refugees and Immigrants' Vermont Refugee Resettlement Program for various purposes related to COVID-19, including:

(1) interpretation and translation services related to COVID-19, including accessing testing and vaccines;

(2) purchasing laptops and providing digital literacy for households to ensure that children can attend school remotely, that families can access telehealth services, and that adult family members can find employment;

(3) providing case management services related to an increased need related to housing assistance, workforce development, and employment coaching; and

(4) providing navigation of Reach Up, 3SquaresVT, and other public assistance programs following job losses.

Sec. 11. GRANTS TO REACH UP PARTICIPANTS

The sum of \$1,300,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department for Children and Families in fiscal year 2021 for the purposes of distributing monies to families participating in the Reach Up program. These funds shall be distributed in a manner similar to the distribution of funds to this population pursuant to 2020 Acts and Resolves No. 136, Sec. 15.

Sec. 12. VERMONT FOOD BANK

(a) The sum of \$1,376,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund in fiscal year 2021 to the Agency of Human Services' Central Office to be granted to the Vermont Food Bank to pay the costs of the Vermont Farmers to Families Food Box Program for the months of January and February 2021.

(b) The sum of \$82,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund in fiscal year 2021 to the Agency of Human Services' Central Office to be granted to the Vermont Food Bank for statewide provision of diapers to families in need.

Sec. 13. GRANT TO THE ASSOCIATION FOR THE BLIND AND VISUALLY IMPAIRED

The sum of \$100,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of

Disabilities, Aging, and Independent Living in fiscal year 2021 to be granted to the Vermont Association for the Blind and Visually Impaired for a technology training program for older Vermonters who experience decreased vision and blindness and others who are blind or visually impaired to address social isolation resulting from social distancing.

Sec. 14. GREEN MOUNTAIN CARE BOARD; DEPARTMENT OF
HEALTH; HEALTH CARE DISPARITIES; DATA COLLECTION
AND ANALYSIS

(a) The sum of \$66,000.00 is appropriated from the General Fund to the Green Mountain Care Board in fiscal year 2021 to provide the State share pursuant to 18 V.S.A. § 9374(h) for updates to the Vermont Healthcare Claims Uniform Reporting and Evaluation System (VHCURES) to improve data collection related to health equity.

(b) The sum of \$134,000.00 is appropriated from the General Fund to the Department of Health in fiscal year 2021 for collection and analysis of demographic data, including race and ethnicity data, regarding Vermont residents who experience health disparities.

Sec. 14a. 18 V.S.A. § 1129(d) and (e) are amended to read:

(d) The Department may provide confidential registry information to health care provider networks serving Vermont patients, to the Vermont Health Information Exchange, and, with the approval of the Commissioner, to researchers who present evidence of approval from an institutional review board in accordance with 45 C.F.R. § 164.512.

(e) Prior to releasing confidential information pursuant to subsections (c) and (d) of this section, the Commissioner shall obtain from State registries, health care provider networks, the Vermont Health Information Exchange, and researchers a written agreement to keep any identifying information confidential and privileged.

* * * Education * * *

Sec. 15. SCHOOL INDOOR AIR QUALITY GRANT PROGRAM

(a) Appropriation. In fiscal year 2021, \$15,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund for the Pre-K–12 Education Pandemic - School Indoor Air Quality Grant Program established in 2020 Acts and Resolves No. 120, Sec. A.51. This appropriation may be adjusted if the Commissioner of Finance and Management determines that FEMA funds will be awarded for this purpose. At the Agency's discretion, the funds authorized by this section shall be either

granted by the Agency of Education or paid to Efficiency Vermont to carry out the duties listed in 2020 Acts and Resolves No. 120, Sec. A.51(e). Efficiency Vermont is authorized to use up to \$250,000.00 of the \$15,000,000.00 appropriated under this section for direct labor costs.

(b) Authorization. Efficiency Vermont shall require that any school that receives a grant through the School Indoor Air Quality Grant Program established in 2020 Acts and Resolves No. 120, Sec. A.51 authorize Efficiency Vermont to release the school name and grant amount in any report requested by the General Assembly.

(c) Reporting. Upon expenditure of the funds, the Agency of Education shall report to the House and Senate Committees on Appropriations on the specific uses of the funds appropriated in subsection (a) of this section on or before March 15, 2022.

Sec. 16. EDUCATION SERVICES; FEDERAL FUNDS APPROPRIATIONS

(a) Afterschool and Summer Programs: In fiscal year 2021 and to be carried forward, the sum of \$4,000,000.00 is appropriated from federal funds for Elementary and Secondary School Relief (ESSR) provided in the American Rescue Plan Act of 2021 Section 2001(f) to the Agency of Education to be used for grants to afterschool and summer programs. At least \$2,000,000 of these grants shall be made with consultation from and approval of the Child Development Division in the Department for Children and Families. These funds shall be used to fulfill requirements specified in the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(2) and (3).

(b) Summer Meals: In fiscal year 2021 and to be carried forward, the sum of \$5,500,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Agency of Education to ensure that children and families have access to nutritious foods throughout the summer. This appropriation may be adjusted if the Commissioner of Finance and Management determines that FEMA funds will be awarded for this purpose.

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. 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. 18. WORKFORCE UPSKILL OPPORTUNITY

(a) For Vermonters whose employability or employer has been impacted by the Coronavirus since March of 2020, the sum of \$3,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Vermont State Colleges to provide up to two free classes in the summer or fall of 2021 and spring 2022 at any of the Vermont State Colleges for any Vermont resident who is seeking to transition to a new career or to enhance the resident's job skills.

(b) The sum of \$1,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the University of Vermont to provide up to two free classes in summer or fall of 2021 and spring 2022 for any Vermont resident who is seeking to transition to a new career or to enhance the resident's job skills.

Sec. 19. RECENT HIGH SCHOOL GRADUATES; ADVANCEMENT OPPORTUNITY

Due to the economic impact of the pandemic on the families of recent high school graduates, the sum of \$2,800,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Vermont Student Assistance Corporation (VSAC) to provide up to two free class in the summer or fall of 2021 and spring of 2022 at any of the Vermont State Colleges for any Vermont 2020 or 2021 high school graduate to enhance the graduate's work or academic skills. VSAC may provide a stipend of \$200.00 per student per class for transportation, books, or other class or attendance-related costs, and may allocate up to \$100,000.00 for the cost of administering this program.

Sec. 20. [Deleted.]

* * * Public Service; Broadband * * *

Sec. 21. BROADBAND ALLOCATIONS AND APPROPRIATIONS

(a) Coronavirus Relief Fund Authorization and Allocation: Notwithstanding any other provision of law to the contrary, the Department of Public Service is authorized to use \$3,200,000.00 of the unobligated balance remaining from the CRF monies appropriated to the Department for broadband programs in 2020 Acts and Resolves No. 137 as follows:

(1) \$1,600,000.00 shall be allocated for additional assistance under the COVID-Response Line Extension Customer Assistance Program established in 2020 Acts and Resolves No. 137, Sec. 13. The customer costs eligible for financial assistance under this Program shall include costs for associated equipment such as routers and modems; and

(2) \$1,600,000.00 shall be allocated to extend the COVID-Response Temporary Broadband Lifeline Program established in 2020 Acts and Resolves No. 137, Sec. 13(d) for the covered period beginning on March 1, 2021 and extending until such funds are depleted. The subsidy under this Program may be used for the provision of broadband service and connected devices.

(b) The sum of \$1,800,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Public Service as follows:

(1) \$1,600,000.00 for a broadband infrastructure program to assist Communications Union Districts (CUD) with preconstruction costs and general support services. Applicants may be:

(A) an individual CUD,

(B) a group of CUDs working together on a single project, or

(C) an external partner working with a single CUD or group of CUDs.

(2) \$200,000.00 to fund the following:

(A) contract services to provide outreach, technical assistance, and other support services to communications union districts;

(B) restoration of the Vermont Relay Conference Captioning (RCC) service for remote conference calling service for the deaf or hard of hearing; and

(C) Wi-Fi hotspot license renewals.

* * * Natural Resources and Agriculture * * *

Sec. 22. NATURAL RESOURCES AND AGRICULTURE

(a) In fiscal year 2021, funds are appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund as follows:

(1) \$3,000,000.00 to the Agency of Agriculture, Food and Markets for the Working Lands Program. Of these funds, \$500,000.00 is allocated for grants related to slaughter, meat processing and meat processing training proposals.

(2) \$5,000,000.00 to the Agency of Natural Resources' Central Office for investments to improve recreational infrastructure and access on State lands and to fund repairs and improvements to Vermont's trail network on both private and public land.

(b) In fiscal year 2021, funds are appropriated from the General Fund as follows:

(1) \$14,000,000.00 to the Department of Environmental Conservation for brownfield remediation and environmental clean-up and related administrative costs. Including two classified limited service positions to be established in the Department of Environmental Conservation - one (1) environmental analyst and one (1) grant management specialist.

(2) \$5,000,000.00 to the Department of Forests, Parks and Recreation for the Vermont Outdoor Recreation Economic Collaborative (VOREC);

(3) \$250,000.00 to the Agency of Agriculture for continuation of work in soil conservation practice and payment for ecosystem services including the costs of the task force established by 2019 Acts and Resolves No. 83.

* * * Annual Link to Federal Statutes * * *

Sec. 23. 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, ~~2019~~ 2020, 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. 23a. 32 V.S.A. § 7402(8) is amended to read:

(8) "Laws of the United States" means the U.S. Internal Revenue Code of 1986, as amended through December 31, ~~2019~~ 2020, which shall continue in effect as adopted until amended, repealed, or replaced by act of the General Assembly. As used in this chapter, "Internal Revenue Code" has the same meaning as "laws of the United States" as defined in this subdivision.

Sec. 23b. ARPA EXCLUSION OF UNEMPLOYMENT COMPENSATION
FROM GROSS INCOME; TAX YEAR 2020

(a) For taxable year 2020 only, 32 V.S.A. § 5824, adoption of federal income tax laws, shall also adopt 26 U.S.C. § 85(c) as amended by Section 9042 of the American Rescue Plan Act, Pub. L. No. 117-2, pursuant to which the first \$10,200.00 of unemployment compensation received is excluded from the gross income of a taxpayer whose taxable year 2020 adjusted gross income is less than \$150,000.00.

(b) For taxable year 2020 only, notwithstanding 26 U.S.C. § 85(c) as amended by Section 9042 of the American Rescue Plan Act, Pub. L. No. 117-2, the definition of household income pursuant to 32 V.S.A. § 6061(4)(A) and (5) shall include all unemployment compensation received by a taxpayer in taxable year 2020.

Sec. 23c. EXCLUSION OF FORGIVEN PAYCHECK PROTECTION
PROGRAM LOANS FROM GROSS INCOME

Notwithstanding 32 V.S.A. § 5824 and any other provision of law to the contrary, the exclusion of income associated with the forgiveness of a covered Paycheck Protection Program loan from gross income pursuant to the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, § 1106(i), as amended, and the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, § 276 shall not be allowed in computing taxable income under 32 V.S.A. chapter 151. As used in this section, "covered loan" has the same meaning as in the CARES Act, § 1106(a), as amended. Nothing in this section shall affect the deduction of expenses to the extent that payment of the expenses results in forgiveness of a covered loan pursuant to the CARES Act, Pub. L. No. 116-136, § 1106, as amended, and the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, § 276.

Sec. 24. FISCAL YEAR 2021 CONTINGENT USE OF RESERVE

(a) In fiscal year 2021, if the General Fund is found to have an undesignated fund deficit, the Commissioner of Finance and Management is authorized to transfer not more than \$12,600,000.00 from the Human Services Caseload Reserve established in 32 V.S.A. § 308b to offset the undesignated fund deficit prior to making a transfer in accordance with 32 V.S.A. § 308(c).

(b) If a transfer from the Human Services Caseload Reserve is made pursuant to subsection (a) of this section, then the Commissioner of Finance and Management shall recommend to the House and Senate Committees on Appropriations that the same amount be transferred from the General Fund to

the Human Services Caseload Reserve Fund in the fiscal year 2022 budget adjustment process.

* * * Technical Assistance * * *

Sec. 25. [Deleted]

Sec. 26. PROVISION OF TECHNICAL ASSISTANCE SERVICES TO
LOCAL GOVERNMENTS

(a) The sum of \$950,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Agency of Commerce and Community Development to be granted as follows:

(1) \$650,000.00 to establish a support program through State fiscal year 2024 for the use of federal funds received under 42 U.S.C. 801 § 603, the Coronavirus Local Fiscal Recovery Fund. These resources shall be used to work with local governments to facilitate the local communities' efforts to:

(A) respond to the public health emergency with respect to COVID-19 and its negative economic impacts;

(B) assist with fund reporting, accountability, transparency, and usage technical assistance where necessary;

(C) provide for other guidance to ensure that funds received pursuant to 42 U.S.C. 801 § 603 funds are used in accordance with federal law and regulations; and

(D) provide guidance; model templates and policies; and training on ARP compliant finance and program management.

(2) \$300,000.00 to one or more regional planning commissions, to be used through State fiscal year 2024, to establish and implement a capacity to assist local communities with specific project management needs in expending federal funds received under 42 U.S.C. 801 § 603. The regional planning commissions shall use these resources to work with local governments to facilitate the local communities' efforts to:

(A) identify needs and top priorities for designing and building projects that are consistent with State and federal law; implement existing State, regional and local plans; and do not duplicate investments made by other federal recovery funds;

(B) respond to inquiries on eligibility and to facilitate local discussions among stakeholders on specific projects; and

(C) provide other assistance as needed from local communities in coordination with the grantee chosen in subsection (a) of this section.

* * * Other Miscellaneous Amendments * * *

Sec. 27. VERMONT CENTER FOR CRIME VICTIM SERVICES

The sum of \$27,500.00 is appropriated from the General Fund in fiscal year 2021 to the Vermont Center for Crime Victim Services for a grant to the Burlington Community Justice Center for the St. Joseph's Orphanage Restorative Inquiry.

Sec. 28. AUDIT OF SHERIFFS' USE OF STATE PAID DEPUTIES

The sum of \$25,000.00 is appropriated from the General Fund in fiscal year 2021 to the Vermont State Auditor to contract for up to five audits or reviews of the use of State paid deputies by county sheriffs during the state of emergency in calendar year 2020.

Sec. 29. HEALTHCARE WAIVERS: LEGISLATIVE CAPACITY

The Joint Fiscal Office is authorized to use available legislative appropriations including carryforward funds to engage a consultant to assist the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare to consider the policy and fiscal implications and opportunities related to renegotiation of the State's Global Commitment to Health Medicaid Section 1115 demonstration and continuation of the All Payer ACO Model agreement with the Centers for Medicaid and Medicare Services.

Sec. 30. 2020 Acts and Resolves No. 154, Sec. B.1123.1 is amended to read:

Sec. B.1123.1 FISCAL YEAR 2021 YEAR-END CLOSEOUT TRANSFERS

(a) At the close of fiscal year 2021, after the application of the provisions of 32 V.S.A. § 308(b), and before the application of 32 V.S.A. § 308(e) 308c up to \$5,000,000 of any remaining unreserved and undesignated end of fiscal year 2021 General Fund surplus shall be allocated as follows:

* * *

Sec. 31. 2020 Acts and Resolves No. 154, Sec. B.330 as amended by 2021 Acts and Resolves No. 3 (Budget Adjustment Act) Sec. 25 is further amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,375,620</u>	<u>19,375,620</u>
Total	19,375,620	19,375,620

Source of funds

General fund	7,454,782	7,454,782
Federal funds	7,748,373	7,148,466
Global Commitment fund	4,172,465	<u>4,772,372</u>
Total	19,375,620	19,375,620

Sec. 32. 2020 Acts and Resolves No. 154, Sec. B.330 as amended by 2021 Acts and Resolves No. 3 Sec. 28 is further amended to read:

Sec. B.338 Corrections - correctional services

Personal services	115,752,606	115,752,606
Operating expenses	23,059,297	23,059,297
Grants	<u>8,808,427</u>	<u>8,808,427</u>
Total	147,620,330	147,620,330

Source of funds

General fund	135,553,733	128,553,733
Special funds	935,963	935,963
Federal Coronavirus Relief Fund	4,950,000	11,950,000
Federal funds	473,523	473,523
Global Commitment fund	5,310,796	5,310,796
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	147,620,330	147,620,330

Sec. 32a. 2020 Acts and Resolves No. 154, Sec. B.346, as amended by 2021 Acts and Resolves No. 3, Sec. 30, is further amended to read:

Sec. B.346 Total human services

Source of funds

General fund	977,495,760	970,495,760
Special funds	116,403,523	116,403,523
Tobacco fund	25,088,208	25,088,208
State health care resources fund	17,078,501	17,078,501
Federal Coronavirus Relief Fund	17,774,276	24,774,276
Federal funds	1,471,852,944	1,471,253,037
Global Commitment fund	1,592,184,231	1,592,784,138

Internal service funds	1,930,685	1,930,685
Interdepartmental transfers	46,869,842	46,869,842
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	4,266,702,970	4,266,702,970

* * * Effective Dates * * *

Sec. 33. EFFECTIVE DATES

This act shall take effect on passage, except that, notwithstanding 1 V.S.A. § 214:

(1) Sec. 5 (mortgage assistance foreclosure assistance) shall take effect retroactively on January 1, 2021;

(2) Secs. 23–23b (annual link to federal statutes) shall take effect retroactively on January 1, 2021 and shall apply to taxable years beginning on and after January 1, 2020; and

(3) Sec. 23c (forgiven Paycheck Protection Program loan exclusion) shall take effect retroactively on January 1, 2021 and shall apply to taxable years beginning on and after January 1, 2021.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further proposal of amendment thereto?, **Rep. Hooper of Montpelier** 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 concur in the Senate proposal of amendment with a further proposal of amendment thereto?, was decided in the affirmative. Yeas, 141. Nays, 5.

Those who voted in the affirmative are:

Achey of Middletown Springs	Goslant of Northfield	O'Brien of Tunbridge
Ancel of Calais	Grad of Moretown	Ode of Burlington
Anthony of Barre City	Graham of Williamstown	Page of Newport City
Arrison of Weathersfield	Hango of Berkshire *	Pajala of Londonderry
Austin of Colchester	Helm of Fair Haven	Palasik of Milton
Bartholomew of Hartland	Higley of Lowell	Parsons of Newbury
Batchelor of Derby	Hooper of Montpelier	Partridge of Windham
Beck of St. Johnsbury	Hooper of Randolph	Patt of Worcester
Birong of Vergennes	Hooper of Burlington	Pearl of Danville
Black of Essex	Houghton of Essex	Pugh of South Burlington
Bluemle of Burlington	Howard of Rutland City	Rachelson of Burlington
Bock of Chester	James of Manchester	Redmond of Essex *
Bongartz of Manchester	Jerome of Brandon	Rogers of Waterville
Bos-Lun of Westminster	Jessup of Middlesex	Rosenquist of Georgia
	Killacky of South Burlington	Satcowitz of Randolph

Brady of Williston	Kimbell of Woodstock	Savage of Swanton
Briglin of Thetford	Kitzmiller of Montpelier	Scheuermann of Stowe
Brown of Richmond	Kornheiser of Brattleboro	Seymour of Sutton
Brownell of Pownal	LaClair of Barre Town	Shaw of Pittsford
Brumsted of Shelburne	LaLonde of South	Sheldon of Middlebury
Burditt of West Rutland	Burlington	Sibilia of Dover
Burke of Brattleboro	Lanpher of Vergennes	Sims of Craftsbury
Burrows of West Windsor	Lefebvre of Newark	Small of Winooski
Campbell of St. Johnsbury	Lefebvre of Orange	Smith of New Haven
Canfield of Fair Haven	Leffler of Enosburgh	Squirrell of Underhill
Chase of Colchester	Lippert of Hinesburg	Stebbins of Burlington
Christie of Hartford	Long of Newfane	Stevens of Waterbury
Cina of Burlington *	Marcotte of Coventry	Sullivan of Dorset
Coffey of Guilford	Martin of Franklin	Surprenant of Barnard
Colburn of Burlington	Masland of Thetford	Taylor of Colchester
Colston of Winooski	Mattos of Milton	Terenzini of Rutland Town
Conlon of Cornwall	McCarthy of St. Albans City	Till of Jericho
Copeland Hanzas of Bradford	McCormack of Burlington	Toleno of Brattleboro
Corcoran of Bennington	McCoy of Poultney *	Toof of St. Albans Town
Cordes of Lincoln	McCullough of Williston	Townsend of South Burlington
Cupoli of Rutland City	McFaun of Barre Town	Troiano of Stannard
Dickinson of St. Albans Town	Morgan, L. of Milton	Vyhovsky of Essex
Dolan of Essex	Morgan, M. of Milton	Walz of Barre City
Dolan of Waitsfield	Morris of Springfield	Webb of Shelburne
Donahue of Northfield	Morrissey of Bennington	White of Bethel
Donnally of Hyde Park	Mrowicki of Putney	White of Hartford
Durfee of Shaftsbury	Mulvaney-Stanak of Burlington	Whitman of Bennington
Elder of Starksboro	Murphy of Fairfax	Williams of Granby
Emmons of Springfield	Nicoll of Ludlow	Wood of Waterbury
Fagan of Rutland City	Nigro of Bennington	Yacovone of Morristown
Feltus of Lyndon	Norris of Sheldon	Yantachka of Charlotte
Gannon of Wilmington	Norris of Shoreham	
Goldman of Rockingham	Notte of Rutland City	
	Noyes of Wolcott	

Those who voted in the negative are:

Harrison of Chittenden *	Peterson of Clarendon	Strong of Albany *
Martel of Waterford	Smith of Derby	

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

Brennan of Colchester	Gregoire of Fairfield	Scheu of Middlebury
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Rep. Cina of Burlington explained his vote as follows:

“Madam Speaker:

I vote yes because the People desperately need help right now and I do not want to hold up economic relief. However, I am very concerned about the use of an appropriations bill to change health care policy regarding sharing personal health information from the vaccine registry. We must be cautious about the sense of urgency regarding the current public health emergency leading to the erosion of the rights and freedoms of the People.”

Rep. Hango of Berkshire explained her vote as follows:

“Madam Speaker:

While I remain concerned about the premature allocation of ARPA funds in this bill, I voted yes today to support our State’s businesses and Vermonters in need. Thank you.”

Rep. Harrison of Chittenden explained his vote as follows:

“Madam Speaker:

The Appropriations Committee works hard to reach consensus and routinely votes out budgets unanimously. And there are many worthwhile initiatives in this legislation. However, I was out of my comfort zone with the extra \$23-25 million in spending with this one and at the end of the day, I am the one that has to live with my vote.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

While I understand there are must pass sections in this bill, my hope is we can somehow separate our ARPA funding in order to be more transparent in appropriating these funds, apart from the FY22 Budget and any other bills we may pass, which appropriate ARPA money; perhaps a charge to the Senate to do just this. Thank you.”

Rep. Redmond of Essex explained her vote as follows:

“Madam Speaker:

This bill is a wonderful package of braided funding that will uplift Vermonters during this incredibly challenging time. I am specifically grateful to my colleagues for the \$700K of support for the Association of Africans Living in Vermont and the U.S. Committee on Refugees and Immigrants in Vermont, who have done incredible work strengthening New American, refugee and immigrant Vermonters during the pandemic.”

Rep. Strong of Albany explained her vote as follows:

“Madam Speaker:

I appreciate the hard work of all of the committees on this bill, however, I am still concerned about the data collection and registry language in this bill, and am not comfortable at this time to vote yes. Thank you.”

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

Second Reading; Committee Report Presented

H. 157

Rep. Troiano of Stannard, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to registration of construction contractors

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) There is currently no master list of residential construction contractors operating in the State.

(2) There is no standard process for determining or adjudicating construction contract fraud complaints either on the part of contractors or consumers.

(3) Public authorities have no mechanism to contact all contractors when necessary to provide updates to public health requirements, safe working protocols, codes and standards, and available trainings and certifications.

(4) Wide dissemination of information on codes, standards, and trainings is vital to improving construction techniques throughout the State’s construction industry. Since building thermal conditioning represents over one-quarter of the State’s greenhouse gas emissions, improving energy performance is a key strategy for meeting the requirements of the Global Warming Solutions Act, 2020 Acts and Resolves No. 153.

(5) While registration is not licensure and confers no assurance of competence, consumers have no way of knowing whether a contractor is operating legally or has been subject to civil claims or disciplinary actions.

(6) A noncommercial, standardized public listing will provide contractors an opportunity to include in their record optional third-party, State-sanctioned certifications.

Sec. 2. 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 of Professional Regulation shall have a director who ~~shall be is an exempt employee~~ appointed by the Secretary of State ~~and shall be an exempt employee~~. The following boards or professions are attached to the Office of Professional Regulation:

* * *

(50) Residential Contractors

Sec. 3. 26 V.S.A. chapter 107 is added to read:

CHAPTER 107. RESIDENTIAL CONTRACTORS

Subchapter 1. General Provisions

§ 5501. REGISTRATION REQUIRED

(a) A person shall register with the Office of Professional Regulation prior to contracting with a homeowner to perform residential construction in exchange for consideration of more than \$2,500.00, including labor and materials.

(b) Unless otherwise exempt under section 5502 of this title, as used in this chapter, "residential construction" means to build, demolish, or alter a residential dwelling unit, or a building or premises with four or fewer residential dwelling units, in this State, and includes interior and exterior construction, renovation, and repair; painting; paving; roofing; weatherization; installation or repair of heating, plumbing, electrical, water, or wastewater systems; and other activities the Office specifies by rule consistent with this chapter.

§ 5502. EXEMPTIONS

This chapter does not apply to:

(1) an employee acting within the scope of his or her employment for a business organization registered under this chapter;

(2) a professional engineer, licensed architect, or a tradesperson licensed by the Department of Public Safety acting within the scope of his or her license;

(3) delivery or installation of consumer appliances, audio-visual equipment, telephone equipment, or computer network equipment;

(4) landscaping;

(5) work on a structure that is not attached to a residential building; or

(6) work that would otherwise require registration that a person performs in response to an emergency, provided the person applies for registration within a reasonable time after performing the work.

§ 5503. MANDATORY REGISTRATION AND VOLUNTARY

CERTIFICATION DISTINGUISHED

(a)(1) The system of mandatory registration established by this chapter is intended to protect against fraud, deception, breach of contract, and violations of law, but is not intended to establish standards for professional qualifications or workmanship that is otherwise lawful.

(2) The provisions of 3 V.S.A. § 129a, with respect to a registration, shall be construed in a manner consistent with the limitations of this subsection.

(b) The system of voluntary certification established in this chapter is intended to provide consumers and contractors with a publicly available, noncommercial venue for contractors to list optional approved certifications. The Director of Professional Regulation, in consultation with public safety officials and recognized associations or boards of builders, remodelers, architects, and engineers, may:

(1) adopt rules providing for the issuance of voluntary certifications, as defined in subdivision 3101a(1) of this title, that signify demonstrated competence in particular subfields and specialties related to residential construction;

(2) establish minimum qualifications, and standards for performance and conduct, necessary for certification; and

(3) discipline a certificant for violating adopted standards or other law, with or without affecting the underlying registration.

Subchapter 2. Administration

§ 5505. DUTIES OF THE DIRECTOR

(a) The Director of Professional Regulation shall:

(1) provide information to the public concerning registration, certification, appeal procedures, and complaint procedures;

(2) administer fees established under this chapter;

(3) receive applications for registration or certification, issue registrations and certifications to applicants qualified under this chapter, deny or renew registrations or certifications, and issue, revoke, suspend, condition, and reinstate registrations and certifications as ordered by an administrative law officer; and

(4) prepare and maintain a registry of registrants and certificants.

(b) The Director, after consultation with an advisor appointed pursuant to section 5506 of this title, may adopt rules to implement this chapter.

§ 5506. ADVISORS

(a) The Secretary of State shall appoint two persons pursuant to 3 V.S.A. § 129b to serve as advisors in matters relating to residential contractors and construction.

(b) To be eligible to serve, an advisor shall:

(1) register under this chapter;

(2) have at least three years' experience in residential construction immediately preceding appointment; and

(3) remain active in the profession during his or her service.

(c) The Director of Professional Regulation shall seek the advice of the advisors in implementing this chapter.

§ 5507. FEES

A person regulated under this chapter shall pay the following fees at initial application and biennial renewal:

(1) Registration, individual: \$75.00.

(2) Registration, business organization: \$250.00.

(3) State certifications: \$75.00 for a first certification and \$25.00 for each additional certification.

Subchapter 3. Registrations

§ 5508. ELIGIBILITY

To be eligible for registration, the Director of Professional Regulation shall find that the applicant is in compliance with the provisions of this chapter and applicable State law and has satisfied any judgment order related to the provision of professional services to a homeowner.

§ 5509. REQUIREMENTS OF REGISTRANTS

(a) Insurance. A person registered under this chapter shall maintain minimum liability insurance coverage in the amount of \$300,000.00 per claim and \$1,000,000.00 aggregate, evidence of which may be required as a precondition to issuance or renewal of a registration.

(b) Writing.

(1) A person registered under this chapter shall execute a written contract prior to receiving a deposit or commencing residential construction work if the estimated value of the labor and materials exceeds \$2,500.00.

(2) A contract shall specify:

(A) Price. One of the following provisions for the price of the contract:

(i) a maximum price for all work and materials;

(ii) a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price; or

(iii) a statement that billing and payment will be made on a time and materials basis and that there is no maximum price.

(B) Work dates. Estimated start and completion dates.

(C) Scope of work. A description of the services to be performed and a description of the materials to be used.

(D) Change order provision. A description of how and when amendments to the contract may be approved and recorded.

(3) The parties shall record an amendment to the contract in a signed writing.

(c) Down payment. Unless a contract specifies that billing and payment will be made on a time and materials basis and that there is no maximum price, the contract may require a down payment of up to one-half of the contract price, or of the price of materials, whichever is greater.

§ 5510. PROHIBITIONS AND REMEDIES

(a) A person who does not register pursuant to this chapter when required engages in unauthorized practice pursuant to 3 V.S.A. § 127.

(b) The Office of Professional Regulation may discipline a registrant or certificant for unprofessional conduct as provided in 3 V.S.A. § 129a, except that 3 V.S.A. § 129a(b) does not apply to a registrant.

(c) The following conduct by a registrant, certificant, applicant, or person who later becomes an applicant constitutes unprofessional conduct:

- (1) failure to enter into a written contract when required by this chapter;
- (2) failure to maintain liability or workers' compensation insurance as required by law;
- (3) committing a deceptive act in commerce in violation of 9 V.S.A. § 2453;
- (4) falsely claiming certification under this chapter, provided that this subdivision does not prevent accurate and nonmisleading advertising or statements related to credentials that are not offered by this State; and
- (5) selling or fraudulently obtaining or furnishing a certificate of registration, certification, license, or any other related document or record, or assisting another person in doing so, including by reincorporating or altering a trade name for the purpose or with the effect of evading or masking revocation, suspension, or discipline against a registration issued under this chapter.

Sec. 4. IMPLEMENTATION

(a) Notwithstanding any contrary provision of 26 V.S.A. chapter 107:

- (1) The initial biennial registration term for residential contractors pursuant to 26 V.S.A. chapter 107 shall begin on April 1, 2022.
- (2) The Secretary of State may begin receiving applications for the initial registration term on December 1, 2021.
- (3)(A) The registration fee for individuals who submit complete registration requests between December 1, 2021 and March 31, 2022 is \$25.00 and between April 1, 2022 and March 31, 2023, the fee is \$50.00.
- (B) The registration fee for business organizations that submit complete registration requests between December 1, 2021 and March 31, 2022 is \$175.00 and between April 1, 2022 and March 31, 2023, the fee is \$200.00.
- (4) Prior to April 1, 2023, the Office of Professional Regulation shall not take any enforcement action for unauthorized practice under 26 V.S.A. § 5510(a) against a residential contractor who fails to register as required by this act.

(b) On or before July 1, 2022, the Director of Professional Regulation shall establish an initial set of voluntary certifications, to include at minimum OSHA standards on construction projects and components of energy-efficient "green" building for insulators, carpenters, and heating and ventilation installers.

Sec. 5. CREATION OF POSITIONS WITHIN THE OFFICE OF
PROFESSIONAL REGULATION; LICENSING.

(a) There are created within the Secretary of State's Office of Professional Regulation one new position in licensing and one position in enforcement.

(b) Any funding necessary to support the positions created in subsection (a) of this section and the implementation of 26 V.S.A. chapter 107 created in Sec. 2 of this act shall be derived from the Office's Professional Regulatory Fee Fund and not from the General Fund.

Sec. 6. SECRETARY OF STATE; STATUS REPORT

On or before January 15, 2023, the Office of Professional Regulation shall report to the House Committee on General, Housing and Military Affairs and on Government Operations and to the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations concerning the implementation of 26 V.S.A. chapter 107, including:

(1) the number of registrations and certifications;

(2) the resources necessary to implement the chapter;

(3) the number and nature of any complaints or enforcement actions;

and

(4) any other issues the Office deems appropriate.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

Recess

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

At twelve o'clock and thirteen minutes in the afternoon, the Speaker called the House to order.

**Consideration Resumed; Substitute Amendment;
Committee Report Further Amended**

H. 157

Consideration resumed on House bill, entitled

An act relating to registration of construction contractors

Rep. Masland of Thetford, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the Committee on General, Housing, and Military Affairs and when further amended as follows:

First: In section 5501, in subsection (a), by striking out “\$2,500.00” and inserting in lieu thereof “\$3,500.00”

Second: In section 5502, in subdivision (2), following “license” by inserting “, or a contractor whose work is regulated by the Public Utility Commission”

Thereupon, **Rep. Masland of Thetford** moved to substitute an amendment for the amendment offered by the Committee on Ways and Means, by recommending that the report of the Committee on General, Housing, and Military Affairs be amended in Sec. 3, 26 V.S.A. chapter 107, as follows:

First: In section 5501, in subsection (a) and in section 5509, subsection (b), in subdivision (1), by striking out “\$2,500.00” and inserting in lieu thereof “\$3,500.00”

Second: In section 5502, in subdivision (2), following “license” by inserting “, or a person performing work for the installation of a net-metered solar system pursuant to a certificate of public good issued by the Public Utilities Commission”

Which was agreed to.

Rep. Townsend of South Burlington, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on General, Housing, and Military Affairs and when further amended as follows:

By striking out Sec. 5, creation of positions within the Office of Professional Regulation; licensing, in its entirety and inserting in lieu thereof the following:

Sec. 5. CREATION OF POSITIONS WITHIN THE OFFICE OF
PROFESSIONAL REGULATION; LICENSING.

(a) There are created within the Secretary of State’s Office of Professional Regulation one new position in licensing and one new position in enforcement.

(b) In fiscal year 2022, the amount of \$200,000.00 in special funds is appropriated to the Secretary of State to fund the positions created in subsection (a) of this section.

Which was agreed to.

Thereupon, the report of the Committee on General, Housing, and Military Affairs, as amended, was further amended by the report of the Committee on Ways and Means, as substituted.

Rep. Higley of Lowell moved to amend the report of the Committee on General, Housing, and Military Affairs, as amended, as follows in Sec. 3:

First: By striking out 26 V.S.A. § 5509 in its entirety and inserting in lieu thereof a new section 5509 to read:

§ 5509. REQUIREMENTS OF REGISTRANTS

A person registered under this chapter shall maintain minimum liability insurance coverage in the amount of \$300,000.00 per claim and \$1,000,000.00 aggregate, evidence of which may be required as a precondition to issuance or renewal of a registration.

Second: In 26 V.S.A. § 5510(c) by striking out subdivision (1) in its entirety and re-designating the remaining subdivisions to be numerically correct.

Recess

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

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

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

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

**Consideration Resumed; Amendment to Committee Report As Amended
Disagreed to; Motion to Commit Disagreed to; Bill Amended;
Third Reading Ordered**

H. 157

Consideration resumed on House bill, entitled

An act relating to registration of construction contractors

Thereupon, the amendment to the report of the Committee on General, Housing, and Military Affairs, as amended, as offered by **Rep. Higley of Lowell** was disagreed to by a vote by division, Yeas, 53; Nays, 82.

Pending the question, Shall the bill be amended as recommended by the Committee on General, Housing, and Military Affairs, as amended?, **Rep. Higley of Lowell** moved to commit the bill to the Committee on Government Operations, which was disagreed to on a vote by division: Yeas, 53; Nays, 86.

Pending the question, Shall the bill be amended as recommended by the Committee on General, Housing, and Military Affairs, as amended?, **Rep. Troiano of Stannard** 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 General, Housing, and Military Affairs, as amended?, was decided in the affirmative. Yeas, 97. Nays, 52.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Noyes of Wolcott
Anthony of Barre City	Fagan of Rutland City	O'Brien of Tunbridge
Arrison of Weathersfield	Gannon of Wilmington	Ode of Burlington
Austin of Colchester	Goldman of Rockingham	Palasik of Milton
Bartholomew of Hartland	Grad of Moretown	Partridge of Windham
Birong of Vergennes	Hooper of Montpelier	Patt of Worcester
Black of Essex	Hooper of Randolph	Pugh of South Burlington
Bluemle of Burlington	Hooper of Burlington	Rachelson of Burlington
Bock of Chester	Houghton of Essex	Redmond of Essex
Bos-Lun of Westminster	Howard of Rutland City	Satcowitz of Randolph
Brady of Williston	James of Manchester	Scheu of Middlebury
Briglin of Thetford	Jerome of Brandon	Sheldon of Middlebury
Brown of Richmond	Jessup of Middlesex	Sims of Craftsbury
Brownell of Pownal	Killacky of South Burlington	Small of Winooski
Brumsted of Shelburne	Kimbell of Woodstock	Squirrell of Underhill
Burke of Brattleboro	Kitzmiller of Montpelier	Stebbins of Burlington
Burrows of West Windsor	Kornheiser of Brattleboro	Stevens of Waterbury
Campbell of St. Johnsbury *	LaLonde of South	Sullivan of Dorset
Chase of Colchester	Burlington	Surprenant of Barnard
Christie of Hartford	Lanpher of Vergennes	Taylor of Colchester
Cina of Burlington	Lippert of Hinesburg	Till of Jericho
Coffey of Guilford	Long of Newfane	Toleno of Brattleboro
Colburn of Burlington	Masland of Thetford	Townsend of South
Colston of Winooski	McCarthy of St. Albans City	Burlington
Conlon of Cornwall	McCormack of Burlington	Troiano of Stannard
Copeland Hanzas of	McCullough of Williston	Vyhovsky of Essex
Bradford	Morris of Springfield	Walz of Barre City
Cordes of Lincoln	Mrowicki of Putney	Webb of Shelburne
Cupoli of Rutland City	Mulvaney-Stanak of	White of Hartford

Dolan of Essex	Burlington	Whitman of Bennington
Dolan of Waitsfield	Murphy of Fairfax	Wood of Waterbury
Donnally of Hyde Park	Nicoll of Ludlow	Yacovone of Morristown
Durfee of Shaftsbury	Nigro of Bennington	Yantachka of Charlotte
Elder of Starksboro	Notte of Rutland City	

Those who voted in the negative are:

Achey of Middletown Springs	Helm of Fair Haven	Pajala of Londonderry
Batchelor of Derby	Higley of Lowell	Parsons of Newbury
Beck of St. Johnsbury	LaClair of Barre Town	Pearl of Danville
Bongartz of Manchester	Lefebvre of Newark	Peterson of Clarendon
Brennan of Colchester	Lefebvre of Orange	Rogers of Waterville
Burditt of West Rutland	Leffler of Enosburgh	Rosenquist of Georgia
Canfield of Fair Haven	Marcotte of Coventry	Savage of Swanton
Corcoran of Bennington	Martel of Waterford *	Scheuermann of Stowe
Dickinson of St. Albans Town	Martin of Franklin	Seymour of Sutton
Donahue of Northfield	Mattos of Milton	Shaw of Pittsford
Feltus of Lyndon	McCoy of Poultney	Sibilia of Dover
Goslant of Northfield	McFaun of Barre Town	Smith of Derby *
Graham of Williamstown	Morgan, L. of Milton	Smith of New Haven
Gregoire of Fairfield	Morgan, M. of Milton	Strong of Albany
Hango of Berkshire	Morrissey of Bennington	Terenzini of Rutland Town
Harrison of Chittenden	Norris of Sheldon	Toof of St. Albans Town
	Norris of Shoreham	White of Bethel
	Page of Newport City	Williams of Granby *

Those members absent with leave of the House and not voting are: none

Rep. Campbell of St. Johnsbury explained his vote as follows:

“Madam Speaker:

I vote yes to help both consumers and contractors avoid misunderstandings, to protect both from fraud, and to provide contractors with access to information and trainings to improve the knowledge base and skill of Vermont's construction industry.”

Rep. Martel of Waterford explained her vote as follows:

“Madam Speaker:

I voted no on this bill. My husband was one of those small contractors, he never short changed anyone on a job, although he has been the victim of not being paid when he completed the job.

Some contractors are also called a local handy man...thank goodness, as you could get a job done at a reasonable price, and in a timely fashion, but in today's world not many jobs come in under \$3500. This bill just kills any

chance of being a small caring contractor in your own community. More business unfriendly times in Vermont, more new \$100,000 job positions to be overseers, no wonder people in this State are getting more discouraged at just trying to make a living and moving out.”

Rep. Smith of Derby explained his vote as follows:

“Madam Speaker:

It disappoints me that some of my friends will be turned into criminals simply for helping friends.”

Rep. Williams of Granby explained her vote as follows:

“Madam Speaker:

The presenter of the bill continues to remind us that this bill is designed to protect the consumer. I would like to see a bill that protects the consumer while considering the contractor. This bill does not do that. My frustration is that so many choose to support only one side of the issue. This bill should not be pushed through. Too many gray areas have been presented but not addressed. I am sad that my friend, my neighbor, my local handyman will pay the price. This is why I vote no on this bill.”

Thereupon, third reading was ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 18

Rep. Sullivan of Dorset, for the Committee on Corrections and Institutions, to which had been referred Senate bill, entitled

An act relating to limiting earned good time sentence reductions for offenders convicted of certain crimes

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. § 5321 is amended to read:

§ 5321. APPEARANCE BY VICTIM

* * *

(d) At or before the sentencing hearing, the prosecutor’s office shall instruct the victim of a listed crime, in all cases where the court imposes a sentence that includes a period of incarceration, that a sentence of incarceration is to the custody of the Commissioner of Corrections and that the

Commissioner of Corrections has the authority to affect the actual time the defendant shall serve in incarceration through ~~good~~ earned time credit, furlough, work-release, and other early release programs. In addition, the prosecutor's office shall explain the significance of a minimum and maximum sentence to the victim ~~and shall also~~, explain the function of parole and how it may affect the actual amount of time the defendant may be incarcerated, and inform the victim of the maximum amount of earned time that the defendant could accrue and that earned time only affects when a defendant is eligible for parole consideration but does not necessarily result in the defendant's release.

* * *

Sec. 2. 28 V.S.A. § 818 is amended to read:

§ 818. EARNED ~~GOOD~~ TIME; REDUCTION OF TERM

(a) On or before September 1, 2020, the Department of Corrections shall file a proposed rule pursuant to 3 V.S.A. chapter 25 implementing an earned ~~good~~ time program to become effective on January 1, 2021. The Commissioner shall adopt rules to carry out the provisions of this section as an emergency rule and concurrently propose them as a permanent rule. The emergency rule shall be deemed to meet the standard for the adoption of emergency rules pursuant to 3 V.S.A. § 844(a).

(b) The earned ~~good~~ time program implemented pursuant to this section shall comply with the following standards:

(1) The program shall be available for all sentenced offenders, including furloughed offenders, provided that the program shall not be available to offenders on probation or parole, to offenders eligible for a reduction of term pursuant to section 811 of this title, to offenders sentenced to serve an interrupted sentence, or to offenders sentenced to life without parole. Offenders currently serving a sentence shall be eligible to begin earning a reduction in term when the earned ~~good~~ time program becomes effective. Notwithstanding this subdivision (1), when an offender has been convicted of a disqualifying offense, the offender's ability to participate and earn time in the program shall be determined pursuant to subdivision (5) of this subsection.

(2) Offenders shall earn a reduction of seven days in the minimum and maximum sentence for each month during which the offender:

(A) is not adjudicated of a major disciplinary rule violation; and

(B) is not reincarcerated from the community for a violation of release conditions, provided that an offender who loses a residence for a reason other than fault on the part of the offender shall not be deemed reincarcerated under this subdivision.

(3) An offender who receives post-adjudication treatment in a residential setting for a substance use disorder shall earn a reduction of one day in the minimum and maximum sentence for each day that the offender receives the inpatient treatment. While a person is in residential substance abuse treatment, he or she shall not be eligible for ~~good~~ earned time except as provided in this subsection.

(4) The Department shall:

(A) ensure that all victims of record are notified of the earned ~~good~~ time program at its outset and made aware of the option to receive notifications from the Department pursuant to this subdivision;

(B) provide timely notice not less frequently than every 90 days to the offender any time the offender receives a reduction in his or her term of supervision pursuant to this section;

(C) maintain a system that documents and records all such reductions in each offender's permanent record; and

(D) record any reduction in an offender's term of supervision pursuant to this section on a monthly basis and ensure that victims who want information regarding changes in scheduled release dates have access to such information.

(5) Notwithstanding 1 V.S.A. § 214, an offender who was serving a sentence for a disqualifying offense on January 1, 2021 shall not earn any earned time sentence reductions under this section after the effective date of this act. This subdivision (5) shall not be construed to limit or affect earned time that an offender has earned on or before the effective date of this act.

(c) As used in this section:

(1) "Disqualifying offense" means:

(A) murder in violation of 13 V.S.A. § 2301;

(B) voluntary manslaughter in violation of 13 V.S.A. § 2304;

(C) kidnapping in violation of 13 V.S.A. § 2405;

(D) lewd and lascivious conduct with a child in violation of 13 V.S.A. § 2602, provided that the offense shall not be considered a disqualifying offense if the offender is under 18 years of age, the child is at least 12 years of age, and the conduct is consensual;

(E) sexual assault in violation of 13 V.S.A. § 3252(a) or (b);

(F) aggravated sexual assault in violation of 13 V.S.A. § 3253; or

(G) aggravated sexual assault of a child in violation of 13 V.S.A. § 3253a.

(2) “Interrupted sentence” means a sentence that is not served continuously, including a sentence to be served in intervals or a sentence to the work crew.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

Message from the Senate No. 39

A message was received from the Senate by Mr. Marshall, 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. 22. Joint resolution relating to weekend adjournment.

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

Adjournment

At four 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 and fifteen minutes in the afternoon.

Wednesday, April 7, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

House Bills Introduced

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

H. 444

By Reps. Walz of Barre City and Anthony of Barre City,
House bill, entitled

An act relating to approval of amendments to the charter of the City of Barre

To the Committee on Government Operations.

H. 445

By Reps. Squirrell of Underhill and Till of Jericho,
House bill, entitled

An act relating to approval of an amendment to the charter of the Town of Underhill

To the Committee on Government Operations.

Joint Resolution Adopted in Concurrence**J.R.S. 22**

By Senator Balint,

J.R.S. 22. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 9, 2021, it be to meet again no later than Tuesday, April 13, 2021.

Was taken up, read, and adopted in concurrence.

**Amendment Withdrawn; Read Third Time;
Passed in Concurrence with Proposal of Amendment****S. 18**

House bill, entitled

An act relating to limiting earned good time sentence reductions for offenders convicted of certain crimes

Was taken up and, pending third reading of the bill, **Rep. Savage of Swanton** moved to amend the bill as follows:

In Sec. 2, 28 V.S.A. § 818, in subsection (b), by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) The program shall be available for all sentenced offenders, including furloughed offenders, provided that the program shall not be available to offenders on probation or parole, to offenders eligible for a reduction of term pursuant to section 811 of this title, to offenders sentenced to serve an interrupted sentence, to offenders sentenced for an offense that resulted in death or serious bodily injury, or to offenders sentenced to life without parole. Offenders currently serving a sentence shall be eligible to begin earning a reduction in term when the earned good time program becomes effective. Notwithstanding this subdivision (1), when an offender has been convicted of a disqualifying offense, the offender's ability to participate and earn time in the program shall be determined pursuant to subdivision (5) of this subsection.

Thereupon, **Rep. Savage of Swanton** asked and was granted leave of the House to withdraw his amendment.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Action on Bill Postponed

S. 60

Senate bill, entitled

An act relating to allowing municipal and cooperative utilities to offer innovative rates and services

Was taken up and pending the reading of the report of the Committee on Energy and Technology, on motion of **Rep. Sibilio of Dover**, action on the bill was postponed until April 13, 2021.

Bill Amended; Consideration Interrupted

H. 157

House bill, entitled

An act relating to registration of construction contractors

Was taken up and pending third reading of the bill, **Rep. Shaw of Pittsford** moved to amend the bill as follows:

In Sec. 3, 26 V.S.A. chapter 107, in section 5501, in subsection (b), following "plumbing," by inserting "solar,"

Which was agreed to.

Recess

At one o'clock and thirty-nine minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

At one o'clock and forty-one minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Consideration Resumed; Bill Amended; Read Third Time; Bill Passed

H. 157

Consideration resumed on House bill, entitled

An act relating to registration of construction contractors

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

First: In Sec. 3, 26 V.S.A. chapter 107, in section 5509, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c) Down payment.

(1) If a contract specifies a maximum price for all work and materials or a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price, the contract may require a down payment of up to one-half of the contract price or of the price of materials, whichever is greater.

(2) If a contract specifies that billing and payment will be made on a time and materials basis and that there is no maximum price, the contract may require a down payment as negotiated by the parties.

Second: In Sec. 3, 26 V.S.A. chapter 107, in section 5510, by striking out subsection (a) in its entirety and inserting in lieu thereof new a subsection (a) to read:

(a) A person who does not register as required pursuant to this chapter may be subject to a civil penalty for unauthorized practice as provided in 3 V.S.A. § 127(b).

Third: In Sec. 3, 26 V.S.A. chapter 107, in section 5502, in subdivision (2), following “license” by striking out “, or a person performing work for the installation of a net-metered solar system pursuant to a certificate of public good issued by the Public Utilities Commission”

Rep. McCoy of Poultney asked that the question be divided into two so that the first and second instances of amendment be considered together, and that the third instance of amendment be considered separately.

Thereupon, the first and second instances of amendment as offered by **Rep. Stevens of Waterbury** were agreed to. Thereafter, the third instance of amendment offered by **Rep. Stevens of Waterbury** was agreed to.

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

Message from the Senate No. 40

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 considered a bill originating in the House of the following title:

H. 20. An act relating to pretrial risk assessments and pretrial services.

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 two 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 and fifteen minutes in the afternoon.

Thursday, April 8, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Committee Bill Introduced; Referred to Ways and Means**H. 446**

By the Committee on Natural Resources, Fish, and Wildlife,
House bill, entitled

An act relating to miscellaneous natural resources and development subjects

Was read the first time and pending appearance on the Calendar for Notice, and pursuant to Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Second Reading; Bill Amended; Third Reading Ordered**H. 225**

Rep. Pugh of South Burlington, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to possession of a therapeutic dosage of buprenorphine

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

Sec. 1. INTENT

It is the intent of the General Assembly to decriminalize possession of 224 milligrams or less of buprenorphine. Persons under 21 years of age in possession of 224 milligrams or less of buprenorphine would be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program. Persons under 16 years of age in possession of 224 milligrams or less of buprenorphine would be subject to delinquency proceedings in the Family Division of the Superior Court. Knowing and unlawful possession of more than 224 milligrams of buprenorphine would continue to be criminal and penalized in the same manner as other narcotics pursuant to 18 V.S.A. § 4234.

Sec. 2. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

(1)(A) A Except as provided by subdivision (B) of this subdivision (1), a person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both.

(B) A person knowingly and unlawfully possessing 224 milligrams or less of buprenorphine shall not be punished in accordance with subdivision (A) of this subdivision (1).

* * *

(c) Possession of buprenorphine by a person under 21 years of age.

(1) Except as provided in subdivision (2) of this subsection, a person under 21 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a civil violation and shall be subject to the provisions of section 4230b of this title.

(2) A person under 16 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a delinquent act and shall be subject to the provisions of section 4230j of this title.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

The bill, having appeared on the Calendar one day for Notice, was taken up, read the second time, and the report of the Committee on Human Services was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Morgan, L. of Milton** 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, 126. Nays, 19.

Those who voted in the affirmative are:

Ancel of Calais	Gregoire of Fairfield	Page of Newport City
Anthony of Barre City	Harrison of Chittenden	Pajala of Londonderry
Arrison of Weathersfield	Higley of Lowell	Palasik of Milton
Austin of Colchester	Hooper of Montpelier	Parsons of Newbury
Bartholomew of Hartland	Hooper of Randolph	Partridge of Windham *
Beck of St. Johnsbury	Hooper of Burlington	Patt of Worcester
Birong of Vergennes	Houghton of Essex	Pearl of Danville
Black of Essex	Howard of Rutland City	Pugh of South Burlington
Bluemle of Burlington	James of Manchester *	Rachelson of Burlington
Bock of Chester	Jerome of Brandon	Redmond of Essex *
Bongartz of Manchester	Jessup of Middlesex	Rogers of Waterville *
Bos-Lun of Westminster	Killacky of South Burlington	Rosenquist of Georgia
Brady of Williston *	Kimbell of Woodstock	Satcowitz of Randolph
Briglin of Thetford	Kitzmilller of Montpelier	Scheu of Middlebury
Brown of Richmond	Kornheiser of Brattleboro *	Scheuermann of Stowe
Brownell of Pownal	LaClair of Barre Town	Shaw of Pittsford

Brumsted of Shelburne	LaLonde of South Burlington	Sheldon of Middlebury
Burditt of West Rutland	Lanpher of Vergennes	Sibilia of Dover
Burke of Brattleboro	Lefebvre of Newark	Sims of Craftsbury
Burrows of West Windsor	Leffler of Enosburgh	Small of Winooski
Campbell of St. Johnsbury	Lippert of Hinesburg	Smith of New Haven
Chase of Colchester	Long of Newfane	Squirrell of Underhill
Christie of Hartford	Marcotte of Coventry	Stebbins of Burlington *
Cina of Burlington	Martin of Franklin *	Stevens of Waterbury
Coffey of Guilford	Masland of Thetford	Strong of Albany
Colburn of Burlington *	Mattos of Milton	Sullivan of Dorset *
Colston of Winooski	McCarthy of St. Albans City	Surprenant of Barnard
Conlon of Cornwall	McCormack of Burlington	Taylor of Colchester
Copeland Hanzas of Bradford	McCullough of Williston	Till of Jericho
Corcoran of Bennington	McFaun of Barre Town	Toleno of Brattleboro
Cordes of Lincoln	Morris of Springfield	Toof of St. Albans Town
Cupoli of Rutland City	Morrissey of Bennington	Townsend of South Burlington
Dolan of Essex	Mrowicki of Putney	Vyhovsky of Essex
Dolan of Waitsfield	Mulvaney-Stanak of Burlington	Walz of Barre City
Donahue of Northfield	Murphy of Fairfax	Webb of Shelburne
Donnally of Hyde Park	Nicoll of Ludlow	White of Bethel
Durfee of Shaftsbury	Nigro of Bennington	White of Hartford
Elder of Starksboro	Norris of Shoreham	Whitman of Bennington *
Emmons of Springfield	Notte of Rutland City	Wood of Waterbury
Feltus of Lyndon	Noyes of Wolcott	Yacovone of Morristown
Gannon of Wilmington	O'Brien of Tunbridge	Yantachka of Charlotte
Goldman of Rockingham	Ode of Burlington	
Grad of Moretown		

Those who voted in the negative are:

Achey of Middletown Springs	Graham of Williamstown	Morgan, M. of Milton
Batchelor of Derby	Hango of Berkshire	Peterson of Clarendon
Brennan of Colchester	Helm of Fair Haven	Savage of Swanton
Canfield of Fair Haven	Lefebvre of Orange	Smith of Derby
Fagan of Rutland City	Martel of Waterford	Terenzini of Rutland Town
Goslant of Northfield *	McCoy of Poultney	Williams of Granby
	Morgan, L. of Milton	

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

Dickinson of St. Albans Town	Norris of Sheldon	Troiano of Stannard
	Seymour of Sutton	

Rep. Brady of Williston explained her vote as follows:

“Madam Speaker:

I voted yes today on H.225 on behalf of people who cannot. I voted yes today for too many of my high school students who taught me about the

trauma of addiction and even what the hub and spoke model is because they poured their souls into research projects that were all too personal. Too many of my students are experts about the toll of addiction by losing parents, siblings, and friends. I also voted yes today in memory of my cousin who lost his battle with addiction tragically young.”

Rep. Colburn of Burlington explained her vote as follows:

“Madam Speaker:

I vote yes. To any Vermonter struggling with substance use disorder, please stay with us, in whatever way works for you. We love you, you matter, and we want you here.”

Rep. Goslant of Northfield explained his vote as follows:

“Madam Speaker:

I voted no on H.225. I also want to save lives. I strongly believe this drug will save the lives of people fighting addiction. However, my concern is that this drug could lead an unsuspecting, uninformed young person down the road toward addiction. If that tragic event was to happen, my decision would haunt me for life.

I also feel we did not have current testimony from the Vermont Department of Public Safety and the Vermont Department of Health and probably others as I feel this bill was rushed.

I wish I had more time and testimony to possibly support this bill. After all, we all want to save and protect ALL lives. Thank you.”

Rep. James of Manchester explained her vote as follows:

“Madam Speaker:

I vote yes today in support of everyone who is struggling with opioid use disorder and everyone who has fought or is fighting to overcome the disease of addiction. The barriers to recovery are real and they are daunting. I vote yes to break down those barriers, to confront stigma, to help my fellow Vermonters, to reduce harm, and to save lives.”

Rep. Kornheiser of Brattleboro explained her vote as follows:

“Madam Speaker:

Today I gratefully vote yes to put personal decisions in the hands of my neighbors and save lives.”

Rep. Martin of Franklin explained his vote as follows:

“Madam Speaker:

Thank you, Madam Speaker. I cautiously voted YES on this bill in honor of my cousin and childhood best friend who succumbed to his addictions fueled by his constant run ins with the judicial system from a young age. The culture he ultimately embraced by being a regular in the courtroom never helped reverse the course of his addiction. A hard hand has proved to not be the solution. Vermonters suffering from this disease need our help and I believe this bill creates a path forward.”

Rep. Partridge of Windham explained her vote as follows:

“Madam Speaker:

Nearly four years ago, my niece died of a fentanyl overdose. Had something less lethal been available to her, she might be alive today. If you have not experienced the loss of a loved one to substance abuse disorder, you are fortunate. It breaks hearts and tears families apart. Today, I cast my vote for Megan Anne and have faith that this bill will save lives.”

Rep. Redmond of Essex explained her vote as follows:

“Madam Speaker:

I cast my yes vote today in honor of 13 women who had returned to VT communities post-incarceration and have passed away since last November, the majority due to overdose. We must activate every tool in the toolbox to help Vermonters struggling with substance use disorder. In our Human Services Committee, we heard repeated testimony from providers that some Vermonters who don’t trust systems and institutions initially use non-prescription buprenorphine as their first steps to get into doctor-prescribed Medication Assisted Treatment. This is about reducing harm and giving Vermonters every pathway possible into treatment.”

Rep. Rogers of Waterville explained her vote as follows:

“Madam Speaker:

For those who have lost someone to an opiate overdose, there is no right or wrong way that the life should have been saved. The right way to save their life would’ve been the way that worked for them.”

Rep. Stebbins of Burlington explained her vote as follows:

“Madam Speaker:

I vote yes on H.225, because this bill will help save lives and also in honor of a constituent. This constituent ran against me in this past year’s primary. Throughout his campaign, he shared his personal story of nearly dying and living homeless, as a result of addiction. His strength of character and focus on helping everyone he can struggling with addiction, stays with me. When he

lost the campaign, I vowed to keep his story and message front and center in my mind.”

Rep. Sullivan of Dorset explained her vote as follows:

“Madam Speaker:

I voted yes. The biggest effect of decriminalization has been to allow the stigma of drug addiction to fall, to let people speak clearly and to pursue professional help without fear. This bill allows the possibility to deal with drug users outside the criminal system. Criminal prohibitions have also impeded the use of drugs for legitimate medical research, and have prevented patients from accessing drugs for palliative care and pain treatment. It is best for governments to rely instead on non-penal regulatory and public health policies when they can.”

Rep. Whitman of Bennington explained his vote as follows:

“Madam Speaker:

I believe that today we have sent a message to all Vermonters that substance use disorder is not a crime. Thank you.”

Adjournment

At two 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, April 9, 2021

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 devotional.

Message from the Senate No. 41

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 considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 315. An act relating to COVID-19 relief.

And has concurred therein.

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 8th day of April, 2021, *he allowed to become law without his signature a bill* originating in the House of the following title:

H. 81 An act relating to statewide public school employee health benefits

Governor's Letter

“April 8, 2021
The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
115 State Street
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, H.81, *An act relating to statewide public school employee health benefits*, will become law without my signature for the reasons stated herein.

In late June 2018, as the Administration debated the state budget with the Legislature, which ultimately became Act 11 of 2018 (Special Session), the Senate Education Committee added language creating a statewide school employee health care bargaining structure without testimony from my Administration. The Legislature nevertheless included it in the budget, which went into law without my signature. It has since resulted in school employee health care plans that are outpacing premium growth of health care exchange plans and significantly outpacing grand list growth, which is the primary revenue source for school district budgets.

I agree that changes to the bargaining structure established in Act 11 should be made, specifically when it comes to impasse proceedings and establishing reasonable cost containment principles. This was made clear in the first negotiation held by the Act 11 Commission on Public School Employee Benefits (“Commission”), which was not a transparent process. It ended, predictably, in an impasse between both parties that was settled by a single

arbitrator from outside Vermont who is entirely unaccountable to Vermont taxpayers.

The arbitrator's award, which was not explained to the people of Vermont or elected officials, has had a major impact on school district budgets, and therefore on property tax bills. It has been estimated the initial contract added \$25 to \$30 million in costs onto already overburdened taxpayers. Make no mistake, this bargaining construct, the rules governing it, and the costly and unsustainable outcomes it has produced are a product of how the Legislature ultimately chose to move forward on this issue in 2018.

H.81 does make some very small, positive changes, including the requirement for the parties to include a cost estimate with their proposals and a requirement for the arbitrator to fully explain the basis for the final award. There are also technical changes I support, including clarification of employee definition, more flexibility for removal of Commissioners by the appointing authority, and timelines for getting data to the Commission.

Unfortunately, H.81 does not adequately address cost containment. To the contrary, it puts taxpayers on the hook for still higher costs by removing uniform cost-sharing arrangements for premiums and out-of-pocket costs. The Commission now has the opportunity to begin negotiating a sliding health care contribution. Given the potential benefit to lower paid unlicensed employees, I am not opposed to this concept. However, I'm concerned that if higher paid teachers and administrators – who on their own earn 50 percent more than the average Vermont household - do not offset the cost through higher health benefit contributions, then taxpayers are, yet again, left making up the added cost.

It is important to know that the Legislature's Joint Fiscal Office (JFO) testified that employees who do not pay much for health care are likely to use more of it, driving up premiums for all participants. The JFO noted the public school employee plans are more generous than most and premium increases have surpassed increases in the cost of care and enrollment. The JFO warned legislative committee members that to add this flexibility in bargaining could increase the incentive to use more services because the user pays so little.

The JFO also estimated school employee health care premium costs of about \$311 million in Fiscal Year 2024. This means any 1 percentage point shift in the premium share of all participating employees represents \$3.1 million. If the premium share for all participating employees shifted down 1 percentage point, employees would pay \$3.1 million less and employers (the taxpayers) would pay \$3.1 million more. If only non-licensed employees

negotiated a 1 percentage point change in the premium share, the shift would be about \$1 million.

As these costs go up in school budgets, it can lead to less money available for student programming and other student enrichment activities. I continue to be concerned that more and more funding is being diverted away from students and into operational overhead – even as the number of students in our schools has declined. This deepens the educational inequality that exists from district to district, because many districts cannot absorb the cost without cuts to educational options for our children. If we want to give every student access to the best education in America and make Vermont a more affordable and prosperous place to live and work, we have to break this cycle.

To avoid this additional tax burden on Vermonters and reverse the growing inequality in our schools, I call on the General Assembly to make the following additional changes to H.81 before it adjourns for this session of the biennium:

- Include a provision that would limit the employer’s total health care benefit contributions to 80%. The employees themselves would determine the cost share among those higher paid licensed teachers and administrators and lower paid unlicensed school employees. In this way, the system becomes more progressive as higher paid employees alleviate the burden of costly health care plans on their lower paid unlicensed colleagues. The cost would not shift to taxpayers who cannot afford higher property taxes to pay for even more generous health care plans for public school employees at the expense of options for their children.
- Make the effective date for all sections of the bill a uniform date to improve bargaining procedures in 2021.
- Considering the fiscal note presented by the JFO showed clear financial consequences to taxpayers, I ask for these fiscal impacts to be reviewed by the House Ways & Means and Senate Finance Committees and additional modeling on future impacts to taxpayers be presented to the public.

This is the single biggest self-insured group in the state of Vermont, and it is publicly funded. This is very important work. As Vermonters continue to recover from an unprecedented pandemic, we must be very sensitive to – and transparent about - laws that are likely to lead to increased taxes and fees, such as this one.

Sincerely,
Philip B. Scott
Governor”

Third Reading: Bill Passed**H. 225**

House bill, entitled

An act relating to possession of a therapeutic dosage of buprenorphine

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

Action on Bill Postponed**H. 20**

House bill, entitled

An act relating to pretrial risk assessments and pretrial services

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Grad of Moretown**, action on the bill was postponed until April 14, 2021.

Adjournment

At nine o'clock and thirty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 13, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 22.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 35

House concurrent resolution honoring Fagan Hart for her admirable leadership of the Vermont Children's Trust Foundation

H.C.R. 36

House concurrent resolution honoring Ludy Biddle for her outstanding leadership at NeighborWorks of Western Vermont

H.C.R. 37

House concurrent resolution honoring Westfield Selectboard Chair extraordinaire Yves Daigle

H.C.R. 38

House concurrent resolution honoring the musical achievements of Vermont

Symphony Orchestra Music Director Jaime Laredo

H.C.R. 39

House concurrent resolution congratulating the 2021 Essex High School Hornets Vermont-NEA Scholars' Bowl State championship team

H.C.R. 40

House concurrent resolution congratulating Fatima Khan on earning a finalist ranking in U.S. Senator Bernie Sanders's 2021 State of the Union Essay Contest

H.C.R. 41

House concurrent resolution honoring former Brattleboro Fire Chief Michael Bucossi for his outstanding leadership and community 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 2021, seventy-sixth Biennial session.]

Tuesday, April 13, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. O'Brien of Tunbridge.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 42

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 considered bills originating in the House of the following titles:

H. 149. An act relating to modernizing statutes related to the Vermont National Guard.

H. 338. An act relating to reapportionment proposal deadlines.

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. 35. House concurrent resolution honoring Fagan Hart for her admirable leadership of the Vermont Children's Trust Foundation.

H.C.R. 36. House concurrent resolution honoring Ludy Biddle for her outstanding leadership at NeighborWorks of Western Vermont.

H.C.R. 37. House concurrent resolution honoring Westfield Selectboard Chair extraordinaire Yves Daigle.

H.C.R. 38. House concurrent resolution honoring the musical achievements of Vermont Symphony Orchestra Music Director Jaime Laredo.

H.C.R. 39. House concurrent resolution congratulating the 2021 Essex High School Hornets Vermont-NEA Scholars' Bowl State championship team.

H.C.R. 40. House concurrent resolution congratulating Fatima Khan on earning a finalist ranking in U.S. Senator Bernie Sanders's 2021 State of the Union Essay Contest.

H.C.R. 41. House concurrent resolution honoring former Brattleboro Fire Chief Michael Bucossi for his outstanding leadership and community service.

House Bill Introduced

H. 447

By Reps. Emmons of Springfield, Bock of Chester, and Morris of Springfield,

House bill, entitled

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

Was read the first time and referred to the Committee on Government Operations.

Bill Referred to Committee on Ways and Means

S. 88

Senate bill, entitled

An act relating to insurance, banking, and securities

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

Bill Referred to Committee on Appropriations**H. 446**

House bill, entitled

An act relating to miscellaneous natural resources and development subjects

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Favorable Report; Second Reading; Third Reading Ordered**S. 60**

Rep. Patt of Worcester, for the Committee on Energy and Technology, to which had been referred Senate bill, entitled

An act relating to allowing municipal and cooperative utilities to offer innovative rates and services

Reported in favor of its passage in concurrence.

The bill, having appeared on the Calendar for Notice, 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 Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has adopted proposed amendments to the Vermont Constitution entitled:

Prop 2. Declaration of rights; clarifying the prohibition on slavery and indentured servitude.

Prop 5. Declaration of rights; right to personal reproductive liberty.

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. 23. Joint resolution relating to weekend adjournment.

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

Adjournment

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

Wednesday, April 14, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

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 April, 2021, he signed bills originating in the House of the following titles:

H. 10 An act relating to permitted candidate expenditures

H. 127 An act relating to approval of amendments to the charter of the Town of Barre

Proposed Amendments to the Constitution Referred to Committee**Proposal 2**

Subject: Declaration of rights; clarifying the prohibition on slavery and indentured servitude

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to clarify that slavery and indentured servitude in any form are prohibited.

Sec. 2. Article 1 of Chapter I of the Vermont Constitution is amended to read:

Article 1. [All persons born free; their natural rights; slavery and indentured servitude prohibited]

That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after arriving to the age of twenty one years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like slavery and indentured servitude in any form are prohibited.

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 2022 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 Government Operations.

Proposal 5

Subject: Declaration of rights; right to personal reproductive liberty

Sec. 1. PURPOSE

(a) This proposal would amend the Constitution of the State of Vermont to ensure that every Vermonter is afforded personal reproductive liberty. 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 reassert the principles of equality and personal liberty reflected in Articles 1 and 7 and ensure that 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 Article 7 or any other provision in the Vermont Constitution.

(b) The right to reproductive liberty is central to the exercise of personal autonomy and involves decisions people should be able to make free from compulsion of the State. Enshrining this right in the Constitution is critical to

ensuring equal protection and treatment under the law and upholding the right of all people to health, dignity, independence, and freedom.

Sec. 2. Article 22 of Chapter I of the Vermont Constitution is added to read:

Article 22. [Personal reproductive liberty]

That an individual's right to personal reproductive autonomy is central to the liberty and dignity to determine one's own life course and shall not be denied or infringed unless justified by a compelling State interest achieved by the least restrictive means.

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 2022 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 Human Services.

House Bill Introduced

H. 448

By Reps. Cina of Burlington, Bluemle of Burlington, Colburn of Burlington, Colston of Winooski, Hooper of Burlington, McCormack of Burlington, Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, Small of Winooski, and Stebbins of Burlington,

House bill, entitled

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

Was read the first time and referred to the Committee on Government Operations.

Bill Referred to Committee on Appropriations

S. 114

Senate bill, entitled

An act relating to improving prekindergarten through grade 12 literacy within the State

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Joint Resolution Referred to Committee**J.R.H. 8**

Joint resolution urging U.S. Representative Peter Welch to propose the Vilas Bridge as one of his congressional community project requests and that Congress appropriate funds for this request

Offered by: Representatives Goldman of Rockingham and Partridge of Windham

Whereas, in the early 1930s, the Charles N. Vilas Bridge (Vilas Bridge), which connects the Village of Bellows Falls in Rockingham, Vermont, and the Town of Walpole, New Hampshire, was opened at the location where in the 18th century the first-ever bridge to cross the Connecticut River was built, and

Whereas, because the Vilas Bridge spans the Connecticut River, the state of New Hampshire is its primary owner, and

Whereas, on March 19, 2009, the New Hampshire Department of Transportation closed the Vilas Bridge to all pedestrians and road traffic due to major deterioration, causing a significant drop in business, according to businesses in the Village of Bellows Falls, and

Whereas, in 2013, the State of Vermont, through the Vermont Agency of Transportation, offered to fund the entire cost of the Vilas Bridge rehabilitation in exchange for the state of New Hampshire's financing Vermont's portion of other future transportation infrastructure repairs, and

Whereas, in January 2020, the Village of Bellows Falls and the Towns of Rockingham and Walpole sent a letter to Vermont Governor Philip B. Scott and New Hampshire Governor Christopher T. Sununu noting that the Vilas Bridge is a vital economic link between these communities and is essential to Walpole's wastewater treatment infrastructure and requesting that the two governors work to move this bridge restoration project forward, and

Whereas, rehabilitation of the Vilas Bridge is included in New Hampshire's Statewide Transportation Improvement Program (STIP) but construction is not scheduled to start until 2028, and

Whereas, in the summer of 2021, the New Arch Bridge, which is a mile upstream from the Vilas Bridge and is an alternative travel route, will be partially closed for reconstruction, and

Whereas, the U.S. House Committee on Appropriations is currently accepting member requests for financing community projects, and according to federal guidance, highway capital projects described under 23 U.S.C. § 133(b) are eligible as a community project request, and inclusion in a STIP satisfies

the requirement that a highway capital project have the support of the state government that would administer the project, and

Whereas, on March 30, 2021, the Rockingham Selectboard and the Bellows Falls Village Trustees jointly approved a resolution authorizing U.S. Representative Peter Welch to submit the Vilas Bridge community project request of \$11,000,000.00 for consideration by the U.S. House Committee on Appropriations, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges U.S. Representative Peter Welch to propose the Vilas Bridge as one of his congressional community project requests and that Congress appropriate funds for this request, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the New Hampshire and Vermont Congressional Delegations.

Was read by title only and, in the Speaker's discretion pursuant to Rule 52, treated as bill and referred to the Committee on Transportation.

Joint Resolution Adopted in Concurrence

J.R.S. 23

By Senator Balint,

J.R.S. 23. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 16, 2021, it be to meet again no later than Tuesday, April 20, 2021.

Was taken up, read, and adopted in concurrence.

Senate Proposal of Amendment Concurred in

H. 20

An act relating to pretrial risk assessments and pretrial services

The Senate proposes 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. § 7554c is amended to read:

§ 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

(a)(1) ~~The objective of a pretrial risk assessment is to provide information to the court for the purpose of determining whether a person presents a risk of nonappearance or a risk of re-offense so the court can make an appropriate~~

~~order concerning bail and conditions of pretrial release. The assessment shall not assess victim safety or risk of lethality in domestic assaults.~~

(2) The objective of a pretrial needs screening is to obtain a preliminary indication of whether a person has a substantial substance abuse or mental health issue that would warrant a subsequent court order for a more detailed clinical assessment.

~~(3)~~(2) Participation in a ~~risk assessment~~ or needs screening pursuant to this section does not create any entitlement for the assessed or screened person.

(b)(1) Except as provided in subdivision (2) of this subsection, a judge may request that a pretrial services coordinator perform a risk assessment that assesses risk of flight for a person who is arrested, lodged, and unable to post bail within 24 hours of lodging shall be offered a risk assessment and, if deemed appropriate by the pretrial services coordinator, a needs screening prior to arraignment.

(2) A person charged with an offense for which registration as a sex offender is required pursuant to chapter 167, subchapter 3 of this title or an offense punishable by a term of life imprisonment shall not be eligible under this section.

(3) Participation in risk assessment or needs screening shall be voluntary and a person's refusal to participate shall not result in any criminal legal liability to the person.

(4) In the event ~~an assessment or a~~ screening cannot be obtained prior to arraignment, the ~~risk assessment and~~ needs screening shall be conducted as soon as practicable.

(5) A person who qualifies pursuant to subdivision (1) of this subsection and who has an additional pending charge or a violation of probation shall not be excluded from being offered a ~~risk assessment or~~ needs screening unless the other charge is a listed crime.

(6) Any person charged with a criminal offense ~~or~~ a person who is the subject of a youthful offender petition pursuant to 33 V.S.A. § 5280, or a person 18 years of age or older who is the subject of a delinquency petition pursuant to 33 V.S.A. § 5201, except those persons identified in subdivision (2) of this subsection, may choose to engage with a pretrial services coordinator.

(c) The results of the risk assessment and needs screening shall be provided to the person and his or her attorney, the prosecutor, and the court. Pretrial services coordinators may share information only within the limitations of subsection (e) of this section.

(d)(1) At arraignment, the court may order a person who is eligible to engage with a pretrial services coordinator under subdivision (b)(6) of this section to do the following:

(A) meet with a pretrial services coordinator on a schedule set by the court;

(B) participate in a needs screening with a pretrial services coordinator; and

(C) participate in a clinical assessment by a substance abuse or mental health treatment provider and follow the recommendations of the provider.

(2) The court may order the person to engage in pretrial services. Pretrial services may include the pretrial services coordinator:

(A) supporting the person in meeting conditions of release imposed by the court, including the condition to appear for judicial proceedings; and

(B) connecting the person with community-based treatment programs, rehabilitative services, recovery supports, and restorative justice programs.

(3) If possible, the court shall set the date and time for the clinical assessment at arraignment. In the alternative, the pretrial services coordinator shall coordinate the date, time, and location of the clinical assessment and advise the court, the person and his or her attorney, and the prosecutor.

(4) An order authorized in subdivision (1) or (2) of this subsection shall be in addition to any conditions of release permitted by law and shall not limit the court in any way. Failure to comply with a court order authorized by subdivision (1) or (2) of this subsection shall not constitute a violation of section 7559 of this title.

(5) This section shall not be construed to limit a court's authority to impose conditions pursuant to section 7554 of this title.

* * *

Sec. 2. PILOT PROJECT; DEPARTMENT OF CORRECTIONS REPORT TO COURT; PROBATION CONDITIONS

(a) The Department of Corrections, in consultation with the Court Administrator, the Department of State's Attorneys and Sheriffs, the Office of the Attorney General, and the Office of the Defender General, shall establish a pilot project to provide the court with a report prior to the sentencing of any defendant to a term of probation for a felony pursuant to 28 V.S.A. § 205. The report shall be designed to assist the court in setting probation conditions and

shall include the defendant's risk and needs assessment results, mental health and substance use disorder screening results, and criminal history.

(b) The Department, the Court Administrator, the Department of State's Attorneys and Sheriffs, the Office of the Attorney General, and the Office of the Defender General shall jointly select one or two units in the Criminal Division for participation in the pilot project established by this section. On or before December 1, 2022, the Department shall report the results of the pilot project to the Joint Legislative Justice Oversight Committee. The report shall recommend whether the pilot project should be made permanent throughout the State.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

The proposal of amendment was considered and concurred in.

Third Reading; Bill Passed in Concurrence

S. 60

Senate bill, entitled

An act relating to allowing municipal and cooperative utilities to offer innovative rates and services

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

Adjournment

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

Thursday, April 15, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Committee Bill Introduced; Referred to Appropriations**H. 449**

By the Committee on Government Operations

House bill, entitled

An act relating to the membership and duties of the Vermont Pension Investment Commission and the creation of the Pension Benefits, Design, and Funding Task Force

Pending appearance on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

**Committee Relieved of Consideration
and Bill Recommitted to Original Committee****H. 265**

Rep. Hooper of Montpelier moved that the Committee on Appropriations be relieved of House bill, entitled

An act relating to the Office of the Child Advocate

And that the bill be recommitted to the Committee on Human Services, which was agreed to.

Second Reading; Amendment Substituted; Consideration Interrupted**H. 175**

Rep. Morris of Springfield, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to the beverage container redemption system

Reported in favor of its passage when amended as follows:

In Sec. 3, effective date, by striking out “2021” and inserting in lieu thereof “2022”

Rep. Ode of Burlington, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the Committee on Natural Resources, Fish, and Wildlife and when further amended in Sec. 1, 10 V.S.A. chapter 53, as follows:

First: In section 1521, in subdivision (1), after “intended for human consumption, except for milk,” and before the period by striking out “rice milk, soy milk, almond milk, hemp seed milk, and dairy products” and inserting in lieu thereof “dairy products, and plant-based milk”

Second: In section 1521, by striking out subdivision (3) in its entirety and inserting in lieu thereof the following:

(3) “Container” means the individual, separate, bottle, can, jar, or carton composed of glass, metal, paper, plastic, or any combination of those materials and containing a consumer product. This definition shall does not include:

(A) containers made of biodegradable material; or

(B) containers made of material that is not readily recyclable in the State as determined by the Secretary of Natural Resources.

Third: In section 1521, by adding a subdivision (11) to read as follows:

(11) “Plant-based milk” means a liquid intended for human consumption that consists of plant material suspended in water that imitates dairy milk and designates the plant-based milk as the first ingredient in the ingredient list on the container’s label.

Fourth: In section 1522, in subdivision (a), in the first sentence, after “of not less than” and before “cents shall be paid,” by striking out “five ten” and inserting in lieu thereof “five”

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

Rep. Bartholomew of Hartland moved to substitute an amendment for the amendment recommended by the Committee on Ways and Means by recommending that the bill be amended in Sec. 1, 10 V.S.A. chapter 53, as follows:

First: In section 1521, in subdivision (1), after “intended for human consumption, except for milk,” and before the period by striking out “rice milk, soy milk, almond milk, hemp seed milk, and dairy products” and inserting in lieu thereof “dairy products, and plant-based beverages”

Second: In section 1521, by striking out subdivision (3) in its entirety and inserting in lieu thereof the following:

(3) “Container” means the individual, separate, bottle, can, jar, or carton composed of glass, metal, paper, plastic, or any combination of those materials and containing a consumer product. This definition shall does not include:

(A) containers made of biodegradable material; or

(B) containers made of material that is not readily recyclable in the State as determined by the Secretary of Natural Resources.

Third: In section 1521, by adding a subdivision (11) to read as follows:

(11) “Plant-based beverage” means a liquid intended for human consumption that imitates dairy milk, consists of plant material suspended in water, and the primary protein source in the beverage is from plant material or a derivative of plant materials. Plant-based beverages include beverages made from rice, soy, nuts, oats, and hemp.

Fourth: In section 1522, in subdivision (a), in the first sentence, after “of not less than” and before “cents shall be paid,” by striking out “~~five ten~~” and inserting in lieu thereof “five”

Which was agreed to.

Rep. Squirrel of Underhill, for the Committee on Appropriations, recommended that the bill ought to pass when amended by adding a Sec. 2a to read as follows:

Sec. 2a. APPROPRIATIONS; ANR TRANSITION; EXPANDED

BEVERAGE CONTAINER REDEMPTION

(a) Prior to deposit of the abandoned beverage container deposits into the Clean Water Fund under 10 V.S.A. § 1388 in fiscal year 2022, the Commissioner of Taxes shall deposit into the General Fund the first \$18,000.00 of the abandoned beverage container deposits remitted to the State under 10 V.S.A. § 1530.

(b) In fiscal year 2022, \$18,000.00 is appropriated to the Agency of Natural Resources from the General Fund for the purposes of conducting information technology upgrades in order to implement expansion of the beverage container redemption system under Sec. 1 of this act.

Recess

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

At two o'clock and twelve minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Bill Amended; Third Reading Ordered

H. 175

Consideration resumed on House bill, entitled

An act relating to the beverage container redemption system

Thereupon, the report of the Committee on Natural Resources, Fish, and Wildlife was agreed to; the bill was amended as recommended by the

Committee on Ways and Means, as substituted; then the bill was amended as recommended by the Committee on Appropriations.

Reps. Marcotte of Coventry, Brennan of Cochester, and Gregoire of Fairfield moved to amend the bill by adding a Sec. 1a to read as follows:

Sec. 1a. 10 V.S.A. § 1523 is amended to read:

§ 1523. ACCEPTANCE OF BEVERAGE CONTAINERS

(a) Except as provided in section 1522 of this title:

~~(1) A retailer shall not refuse to accept from any person any empty beverage containers, labeled in accordance with section 1524 of this title, of the kind, size, and brand sold by the retailer, or refuse to pay to that person the refund value of a beverage container as established by section 1522 of this title, except as provided in subsection (b) of this section.~~

~~(2) A a manufacturer or distributor may not refuse to pick up from a retailer that sells its product or a person operating a certified redemption center any empty beverage containers, labeled in accordance with section 1524 of this title, of the kind, size, and brand sold by the manufacturer or distributor, or refuse to pay the retailer or a person operating a redemption center the refund value of a beverage container as established by section 1522 of this title.~~

~~(b) A retailer, with the prior approval of the Secretary, may refuse to redeem beverage containers if a redemption center or centers are established that serve the public need.~~

(c) A retailer or a person operating a redemption center may refuse to redeem beverage containers that are not clean, or are broken, and shall not redeem beverage containers that are not labeled in accordance with section 1524 of this title.

(d)-(f) [Repealed.]

Pending the question, Shall the bill be amended as offered by Rep. Marcotte of Coventry 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. Marcotte of Coventry and others?, was decided in the negative. Yeas, 64. Nays, 79.

Those who voted in the affirmative are:

Achey of Middletown Springs	Helm of Fair Haven Higley of Lowell	Palasik of Milton Parsons of Newbury
Arrison of Weathersfield	Jerome of Brandon	Pearl of Danville
Batchelor of Derby	Kimbell of Woodstock	Rogers of Waterville

Beck of St. Johnsbury	LaClair of Barre Town	Rosenquist of Georgia
Brennan of Colchester	Lefebvre of Newark	Savage of Swanton
Burditt of West Rutland	Lefebvre of Orange	Scheuermann of Stowe
Canfield of Fair Haven	Leffler of Enosburgh	Shaw of Pittsford
Coffey of Guilford	Marcotte of Coventry	Sibilia of Dover
Corcoran of Bennington	Martel of Waterford	Sims of Craftsbury
Cupoli of Rutland City	Mattos of Milton	Smith of Derby
Dickinson of St. Albans Town	McCoy of Poultney	Smith of New Haven
Donahue of Northfield	McFaun of Barre Town	Strong of Albany
Donnally of Hyde Park	Morgan, L. of Milton	Sullivan of Dorset
Fagan of Rutland City	Morgan, M. of Milton	Surprenant of Barnard
Feltus of Lyndon	Morrissey of Bennington	Terenzini of Rutland Town
Goslant of Northfield	Murphy of Fairfax	Till of Jericho
Graham of Williamstown	Norris of Sheldon	Toof of St. Albans Town
Gregoire of Fairfield *	Norris of Shoreham	White of Bethel
Hango of Berkshire	Noyes of Wolcott	Williams of Granby
Harrison of Chittenden	Page of Newport City	Wood of Waterbury
	Pajala of Londonderry	Yacovone of Morristown

Those who voted in the negative are:

Ancel of Calais	Dolan of Waitsfield	Nicoll of Ludlow
Anthony of Barre City	Durfee of Shaftsbury	Nigro of Bennington
Austin of Colchester	Elder of Starksboro	Notte of Rutland City
Bartholomew of Hartland	Emmons of Springfield	O'Brien of Tunbridge
Birong of Vergennes	Gannon of Wilmington	Ode of Burlington
Black of Essex	Goldman of Rockingham *	Partridge of Windham
Bluemle of Burlington	Grad of Moretown	Patt of Worcester
Bock of Chester	Hooper of Montpelier	Pugh of South Burlington
Bongartz of Manchester	Hooper of Randolph	Rachelson of Burlington
Bos-Lun of Westminster	Hooper of Burlington	Redmond of Essex
Brady of Williston	Houghton of Essex	Satcowitz of Randolph
Briglin of Thetford	Howard of Rutland City	Scheu of Middlebury
Brown of Richmond	James of Manchester	Sheldon of Middlebury
Brownell of Pownal	Jessup of Middlesex	Small of Winooski
Brumsted of Shelburne	Killackey of South Burlington	Squirrell of Underhill
Burke of Brattleboro	Kornheiser of Brattleboro	Stebbins of Burlington
Burrows of West Windsor	LaLonde of South Burlington	Stevens of Waterbury
Campbell of St. Johnsbury	Lanpher of Vergennes	Taylor of Colchester
Chase of Colchester	Lippert of Hinesburg	Townsend of South Burlington
Christie of Hartford	Long of Newfane	Troiano of Stannard
Cina of Burlington	Masland of Thetford	Vyhovsky of Essex
Colburn of Burlington	McCarthy of St. Albans City	Walz of Barre City
Colston of Winooski	McCullough of Williston	Webb of Shelburne
Conlon of Cornwall	Morris of Springfield	White of Hartford
Copeland Hanzas of Bradford	Mrowicki of Putney	Whitman of Bennington
Cordes of Lincoln	Mulvaney-Stanak of Burlington	Yantachka of Charlotte
Dolan of Essex		

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

Kitzmiller of Montpelier
Martin of Franklin

McCormack of Burlington
Peterson of Clarendon

Seymour of Sutton
Toleno of Brattleboro

Rep. Goldman of Rockingham explained her vote as follows:

“Madam Speaker:

I live in an area of the State without a nearby redemption center. I believe that H.175 is good for the environment and have started working with local officials to bring a redemption center to our town to take pressure off our retailers.”

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

A provision in a law that most that it pertains to do not know about and that anyone can be exempted from should tell all of us that it is not a provision that should exist to begin with. That's just common sense. Businesses that already struggle to survive do not need another hurdle to jump through.”

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, 99. Nays, 46.

Those who voted in the affirmative are:

Ancel of Calais
Anthony of Barre City
Arrison of Weathersfield
Austin of Colchester
Bartholomew of Hartland
Birong of Vergennes
Black of Essex
Bluemle of Burlington
Bock of Chester
Bongartz of Manchester
Bos-Lun of Westminster
Brady of Williston
Briglin of Thetford
Brown of Richmond
Brownell of Pownal
Brumsted of Shelburne
Burke of Brattleboro
Burrows of West Windsor
Campbell of St. Johnsbury
Chase of Colchester

Emmons of Springfield
Gannon of Wilmington
Goldman of Rockingham
Grad of Moretown
Hooper of Montpelier
Hooper of Randolph
Hooper of Burlington
Houghton of Essex
James of Manchester
Jerome of Brandon
Jessup of Middlesex
Killacky of South Burlington
Kimbell of Woodstock
Kornheiser of Brattleboro
LaLonde of South
Burlington *
Lanpher of Vergennes
Lippert of Hinesburg
Long of Newfane
Masland of Thetford

Ode of Burlington
Pajala of Londonderry
Partridge of Windham
Patt of Worcester
Pearl of Danville
Pugh of South Burlington
Rachelson of Burlington
Redmond of Essex
Rogers of Waterville
Satcowitz of Randolph
Scheu of Middlebury
Sheldon of Middlebury
Sibilia of Dover
Sims of Craftsbury
Small of Winooski
Squirrell of Underhill
Stebbins of Burlington
Stevens of Waterbury
Surprenant of Barnard
Taylor of Colchester

Christie of Hartford	McCarthy of St. Albans City	Till of Jericho
Cina of Burlington	McCormack of Burlington	Toleno of Brattleboro
Coffey of Guilford	McCullough of Williston	Townsend of South
Colburn of Burlington	Morgan, L. of Milton	Burlington
Colston of Winooski	Morris of Springfield	Troiano of Stannard
Conlon of Cornwall	Mrowicki of Putney	Vyhovsky of Essex
Copeland Hanzas of	Mulvaney-Stanak of	Walz of Barre City
Bradford	Burlington	Webb of Shelburne
Corcoran of Bennington	Murphy of Fairfax	White of Bethel
Cordes of Lincoln	Nicoll of Ludlow	White of Hartford
Dolan of Essex	Nigro of Bennington	Whitman of Bennington
Dolan of Waitsfield	Notte of Rutland City	Wood of Waterbury
Donnally of Hyde Park	Noyes of Wolcott	Yacovone of Morristown
Durfee of Shaftsbury	O'Brien of Tunbridge	Yantachka of Charlotte
Elder of Starksboro		

Those who voted in the negative are:

Achey of Middletown	Hango of Berkshire	Norris of Shoreham
Springs	Harrison of Chittenden	Page of Newport City
Batchelor of Derby	Helm of Fair Haven	Palasik of Milton
Beck of St. Johnsbury	Higley of Lowell	Parsons of Newbury
Brennan of Colchester	LaClair of Barre Town	Peterson of Clarendon
Burditt of West Rutland	Lefebvre of Newark	Rosenquist of Georgia
Canfield of Fair Haven	Lefebvre of Orange	Savage of Swanton
Cupoli of Rutland City	Leffler of Enosburgh	Scheuermann of Stowe
Dickinson of St. Albans	Marcotte of Coventry	Shaw of Pittsford
Town	Martel of Waterford	Smith of Derby
Donahue of Northfield	Mattos of Milton	Smith of New Haven
Fagan of Rutland City	McCoy of Poultney	Strong of Albany
Feltus of Lyndon	McFaun of Barre Town	Sullivan of Dorset
Goslant of Northfield	Morgan, M. of Milton	Terenzini of Rutland Town
Graham of Williamstown	Morrissey of Bennington	Toof of St. Albans Town
Gregoire of Fairfield *	Norris of Sheldon	Williams of Granby

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

Howard of Rutland City	Martin of Franklin
Kitzmiller of Montpelier	Seymour of Sutton

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

If this bill did not include multi-use containers such as orange, cranberry, apple, and other juices and gallons of water then I would have supported it.”

Rep. LaLonde of South Burlington explained his vote as follows:

“Madam Speaker:

H.175 provides a long overdue update to the Bottle Bill. It will further reduce litter, increase the value of recycled material by improving recycling efforts, and cut energy use and climate pollution by processing more recycled materials instead of raw materials into new containers.”

Recess

At five o'clock and thirty-eight minutes in the evening, the Speaker declared a recess until the fall of the gavel.

At six o'clock and twelve minutes in the evening, the Speaker called the House to order.

Second Reading; Proposals of Amendment Offered; Consideration Interrupted

S. 53

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, to which had been referred Senate bill, entitled

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

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: Before Sec. 1, exemption statutory purpose, by inserting a reader assistance heading to read as follows:

* * * Sales and Use Tax; Feminine Hygiene Products * * *

Second: By striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof:

* * * Corporate Income Tax * * *

Sec. 3. 32 V.S.A. § 5811 is amended to read:

§ 5811. DEFINITIONS

~~The following definitions shall apply throughout this chapter unless the context requires otherwise~~ As used in this chapter:

* * *

(22) “Affiliated group” means a group of two or more corporations in which more than 50 percent of the voting stock of each member corporation is directly or indirectly owned by a common owner or owners, either corporate or noncorporate, or by one or more of the member corporations, but shall

~~exclude overseas business organizations or foreign corporations and~~ corporations taxable under 8 V.S.A. § 6014.

(23) “Unitary business” means one or more related business organizations engaged in business activity both within and outside the State among which there exists a unity of ownership, operation, and use; or an interdependence in their functions.

(24) ~~“Overseas business organization” means a business organization that ordinarily has 80 percent or more of its payroll and property outside the 50 states and the District of Columbia. [Repealed.]~~

* * *

Sec. 4. 32 V.S.A. § 5832(2)(C)–(E) are amended to read:

(C) For C corporations with Vermont gross receipts from ~~\$0–\$2,000,000.00~~ \$100,000.00, the greater of the amount determined under subdivision (1) of this section or ~~\$300.00~~ \$250.00; or

(D) For C corporations with Vermont gross receipts from \$100,001.00–\$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 ~~\$2,000,001.00–\$5,000,000.00~~ \$5,000,001.00–\$300,000,000.00, the greater of the amount determined under subdivision (1) of this section or ~~\$500.00~~ \$6,000.00; or

~~(E)~~(G) For C corporations with Vermont gross receipts greater than ~~\$5,000,000.00~~ \$300,000,000.00, the greater of the amount determined under subdivision (1) of this section or ~~\$750.00~~ \$100,000.00.

Sec. 5. 32 V.S.A. § 5833 is amended to read:

§ 5833. ALLOCATION AND APPORTIONMENT OF INCOME

(a) If the income of a taxable corporation is derived from any trade, business, or activity conducted entirely within this State, the Vermont net income of the corporation shall be allocated to this State in full. If the income of a taxable corporation is derived from any trade, business, or activity conducted both within and outside this State, the amount of the corporation’s Vermont net income that shall be apportioned to this State, so as to allocate to this State a fair and equitable portion of that income, shall be determined by multiplying that Vermont net income by ~~the arithmetic average of the~~

~~following factors, with the sales factor described in subdivision (3) of this subsection double-weighted:~~

~~(1) The average of the value of all the real and tangible property within this State (A) at the beginning of the taxable year and (B) at the end of the taxable year (but the Commissioner may require the use of the average of such value on the 15th or other day of each month, in cases where he or she determines that such computation is necessary to more accurately reflect the average value of property within Vermont during the taxable year), expressed as a percentage of all such property both within and outside this State;~~

~~(2) The total wages, salaries, and other personal service compensation paid during the taxable year to employees within this State, expressed as a percentage of all such compensation paid whether within or outside this State;~~

~~(3) The the amount of gross sales, or charges for services performed, within this State, expressed as a percentage of such sales or charges whether within or outside this State.~~

~~(A)(1) Sales of tangible personal property are made in this State if;~~

~~(i) the property is delivered or shipped to a purchaser, other than the U.S. government, who takes possession within this State, regardless of f.o.b. point or other conditions of sale; or~~

~~(ii) the property is shipped from an office, store, warehouse, factory, or other place of storage in this State; and~~

~~(I) the purchaser is the U.S. government; or~~

~~(II) the corporation is not taxable in the State in which the purchaser takes possession.~~

~~(B)(2) Sales, other than the sale of tangible personal property, are in this State if the taxpayer's market for the sales is in this State. The taxpayer's market for sales is in this State:~~

~~(i)(A) in the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this State;~~

~~(ii)(B) in the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this State;~~

~~(iii)(C) in the case of sale of a service, if and to the extent the service is delivered to a location in this State; and~~

~~(iv)(D) in the case of intangible property:~~

~~(i) that is rented, leased, or licensed, if and to the extent the property is used in this State, provided that intangible property utilized in~~

marketing a good or service to a consumer is “used in this State” if that good or service is purchased by a consumer who is in this State; and

~~(H)(ii)~~ that is sold, if and to the extent the property is used in this State, provided that:

~~(aa)(I)~~ a contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is “used in this State” if the geographic area includes all or part of this State;

~~(bb)(II)~~ receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under subdivision ~~(iv)(H)(D)(i)~~ of this subdivision ~~(B)(2)~~; and

~~(ee)(III)~~ all other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the receipts factor.

~~(C)(3)~~ If the state or states of assignment under subdivision ~~(B)(2)~~ of this subsection cannot be determined, the state or states of assignment shall be reasonably approximated.

~~(D)(4)~~ If the taxpayer is not taxable in a state to which a receipt is assigned under subdivision ~~(B)(2)~~ or ~~(C)(3)~~ of this subsection, or if the state of assignment cannot be determined under subdivision ~~(B)(2)~~ of this subsection or reasonably approximated under subdivision ~~(C)(3)~~ of this subsection, such receipt shall be excluded from the denominator of the receipts factor.

~~(E)(5)~~ The Commissioner of Taxes shall adopt regulations as necessary to carry out the purposes of this section.

(6) A taxable corporation subject to apportionment under this section shall report to the Commissioner of Taxes:

(A) the average of the value of all the real and tangible property within this State at the beginning of the taxable year and at the end of the taxable year, provided the Commissioner may require the use of the average of such value on the 15th or other day of each month in cases where the Commissioner determines that such computation is necessary to more accurately reflect the average value of property within Vermont during the taxable year, expressed as a percentage of all such property both within and outside this State; and

(B) the total wages, salaries, and other personal service compensation paid to employees within this State during the taxable year, expressed as a percentage of all such compensation paid, whether within or outside this State.

* * *

Sec. 6. 32 V.S.A. § 5862(d) is amended to read:

(d) A taxable corporation ~~which~~ that is part of an affiliated group engaged in a unitary business shall be treated as a single taxpayer and shall file a group return containing the combined net income of the affiliated group and such other informational returns as the Commissioner shall require by rule. A unitary combined return shall include the income and apportionment factors of any taxable corporation incorporated in the United States or formed under the laws of any state, the District of Columbia, or any territory or possession of the United States and in a unitary relationship with the taxpayer. The income, gain, or losses from members of a combined group shall be combined to the extent allowed under the Internal Revenue Code for consolidated filing as if the combined group was a consolidated filing group, provided that a state tax credit shall not be combined and shall be limited to the member to which the credit is attributed.

Sec. 7. TRANSITION FROM JOYCE TO FINNIGAN METHOD

(a) For taxable years beginning on and after January 1, 2022, for purposes of determining whether sales are in Vermont and are included in the numerator of the sales apportionment factor, if the activities of any member of a unitary group create nexus with this State, then sales of tangible personal property into Vermont from outside the State by all members of the unitary group shall be included in the Vermont sales factor numerator.

(b) For taxable years beginning on January 1, 2022 and before January 1, 2023:

(1) If any member of a unitary group is taxable in another state, then sales of tangible personal property from a Vermont location into that state by any member of the unitary group shall be excluded from the Vermont sales factor numerator.

(2) If no member of a unitary group is taxable in another state, then sales of tangible personal property from a Vermont location into that state by all members of the unitary group shall be included in the Vermont sales factor numerator.

Sec. 8. RULEMAKING; REPORT

The Department of Taxes shall adopt rules relating to the unitary combined reporting requirements imposed under this act. The rules required under this section shall include a change from the *Joyce* to the *Finnigan* approach to applying Vermont jurisdiction to corporations within a unitary group. The Department shall report to the House Committee on Ways and Means and the

Senate Committee on Finance, on or before January 15, 2023, on the Department's proposed rules and any recommendations for legislation with respect to unitary combined reporting.

* * * Sales and Use Tax; Prewritten Computer Software * * *

Sec. 9. 32 V.S.A. § 9701(60) is added to read:

(60) "Vendor-hosted prewritten computer software" means prewritten computer software that is accessed through the Internet or a vendor-hosted server or platform, including where possession of the software is maintained by the vendor or a third party, regardless of:

(A) the method of delivery or transfer, including whether any downloading occurs;

(B) whether the access is permanent or temporary; and

(C) whether the charge for the right of access and for the service is on a per use, per user, per license, subscription, or some other basis.

Sec. 10. 32 V.S.A. § 9771 is amended to read:

§ 9771. IMPOSITION OF SALES TAX

Except as otherwise provided in this chapter, there is imposed a tax on retail sales in this State. The tax shall be paid at the rate of six percent of the sales price charged for but in no case shall any one transaction be taxed under more than one of the following:

* * *

(7) tangible personal property to an advertising agency for its use in providing advertising services or creating advertising materials for transfer in conjunction with the delivery of advertising service; ~~or~~

(8) specified digital products transferred electronically to an end user regardless of whether for permanent use or less than permanent use and regardless of whether or not conditioned upon continued payment from the purchaser; or

(9) vendor-hosted prewritten computer software and the right to access and use vendor-hosted prewritten computer software to perform data processing services.

Sec. 11. 32 V.S.A. § 9773 is amended to read:

§ 9773. IMPOSITION OF COMPENSATING USE TAX

Unless property or telecommunications service has already been or will be subject to the sales tax under this chapter, there is imposed on every person a

use tax at the rate of six percent for the use within this State, except as otherwise exempted under this chapter:

* * *

(4) specified digital products transferred electronically to an end user; ~~and~~

(5) telecommunications service except coin-operated telephone service, private telephone service, paging service, private communications service, or value-added non-voice data service; and

(6) vendor-hosted prewritten computer software and the right to access and use vendor-hosted prewritten computer software to perform data processing services.

Sec. 12. REPEAL

2015 Acts and Resolves No. 51, Sec. G.8 (prewritten software accessed remotely) is repealed.

* * * Fees * * *

Sec. 13. 9 V.S.A. § 5302(f) is amended to read:

(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 and an annual renewal fee of ~~\$1,500.00~~ \$1,750.00 for each portfolio or class of investment company securities for which a notice filing is submitted.

* * * Income Tax; Military Retirement Exclusion * * *

Sec. 14. 32 V.S.A. § 5811(21)(B) is amended to read:

(B) Decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

* * *

(iii) recapture of State and local income tax deductions not taken against Vermont income tax; ~~and~~

(iv) the portion of federally taxable benefits received under the federal Social Security Act that is required to be excluded under section 5830e of this chapter; ~~and~~

(v) [Reserved.]

(vi) the first \$10,000.00 of federally taxable U.S. military retirement pay; and

* * *

Sec. 15. 32 V.S.A. § 5813(y) is added to read:

(y) The statutory purpose of the exclusion of the first \$10,000.00 of federally taxable U.S. military retirement pay in subdivision 5811(21)(B)(vi) of this title is to recognize the military service of Vermonters who derive part of their income from military retirement pay.

* * * Effective Dates * * *

Sec. 16. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except:

(1) Secs. 3 (80/20 rule definitions), 4 (minimum corporate income tax), 5 (single sales factor and repeal of throwback), and 6–7 (Finnigan method and 80/20 rule) shall take effect on January 1, 2022 and apply to taxable years beginning on and after January 1, 2022.

(2) Secs. 9–12 (prewritten computer software) shall take effect on June 1, 2022.

(3) Notwithstanding 1 V.S.A. § 214, Secs. 14–15 (military retirement exemption) shall take effect on January 1, 2021 and shall apply to taxable years beginning on and after January 1, 2021.

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

Reps. Sibia of Dover, Hango of Berkshire, Birong of Vergennes, Batchelor of Derby, Fagan of Rutland, City, Goslant of Northfield, Harrison of Chittenden, Martel of Waterford, Morgan, M. of Milton, Morrissey of Bennington, Norris of Sheldon, Page of Newport City, Palasik of Milton, and Parsons of Newbury moved to amend the proposal of amendment recommended by the Committee on Ways and Means by striking out Secs. 14–15, military retirement income exemption, in their entireties and inserting in lieu thereof new Secs. 14–15 to read as follows:

Sec. 14. 32 V.S.A. § 5811(21)(B) is amended to read:

(B) Decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

* * *

(iii) recapture of State and local income tax deductions not taken against Vermont income tax; and

(iv) the portion of federally taxable benefits received under the federal Social Security Act that is required to be excluded under section 5830e of this chapter; and

(v) [Reserved.]

(vi) the first \$30,000.00 of federally taxable U.S. military retirement pay; and

* * *

Sec. 15. 32 V.S.A. § 5813(y) is added to read:

(y) The statutory purpose of the exclusion of the first \$30,000.00 of federally taxable U.S. military retirement pay in subdivision 5811(21)(B)(vi) of this title is to recognize the military service of Vermonters who derive part of their income from military retirement pay.

Recess

At seven o'clock and two minutes in the evening, the Speaker declared a recess until the fall of the gavel.

At seven o'clock and three minutes in the evening, the Speaker called the House to order.

Consideration Resumed; Amendment to Committee Report Disagreed To; Question Divided; Consideration Interrupted

S. 53

Thereupon, consideration resumed on Senate bill, entitled

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

Pending the question, Shall the report of the Committee on Ways and Means be amended as offered by Rep. Sabilia of Dover and others?, **Rep. McFaun of Barre 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 report of the Committee on Ways and Means be amended as offered by Rep. Sabilia of Dover and others?, was decided in the negative. Yeas, 55. Nays, 79.

Those who voted in the affirmative are:

Achey of Middletown
Springs
Austin of Colchester

Hango of Berkshire
Harrison of Chittenden
Higley of Lowell

Palasik of Milton
Parsons of Newbury
Peterson of Clarendon

Batchelor of Derby	Hooper of Randolph	Scheuermann of Stowe
Birong of Vergennes	LaClair of Barre Town	Shaw of Pittsford
Brennan of Colchester	Lefebvre of Orange	Sibilia of Dover
Brumsted of Shelburne	Leffler of Enosburgh	Sims of Craftsbury
Burditt of West Rutland	Marcotte of Coventry	Small of Winooski
Canfield of Fair Haven	Martel of Waterford	Smith of Derby
Christie of Hartford	Mattos of Milton	Smith of New Haven
Cina of Burlington *	McFaun of Barre Town	Stebbins of Burlington
Corcoran of Bennington	Morgan, L. of Milton	Strong of Albany *
Dickinson of St. Albans Town	Morgan, M. of Milton	Surprenant of Barnard
Donahue of Northfield	Morrissey of Bennington	Taylor of Colchester
Fagan of Rutland City	Murphy of Fairfax	Terenzini of Rutland Town
Goslant of Northfield	Norris of Sheldon	Toof of St. Albans Town
Graham of Williamstown	Noyes of Wolcott	Troiano of Stannard
Gregoire of Fairfield	Page of Newport City	Vyhovsky of Essex
	Pajala of Londonderry	Williams of Granby

Those who voted in the negative are:

Ancel of Calais	Emmons of Springfield	Notte of Rutland City
Anthony of Barre City	Feltus of Lyndon	O'Brien of Tunbridge
Arrison of Weathersfield	Gannon of Wilmington	Ode of Burlington
Bartholomew of Hartland	Goldman of Rockingham	Partridge of Windham
Beck of St. Johnsbury	Hooper of Montpelier	Patt of Worcester
Black of Essex	Hooper of Burlington	Pugh of South Burlington
Bluemle of Burlington	Houghton of Essex	Rachelson of Burlington
Bongartz of Manchester	James of Manchester	Redmond of Essex
Bos-Lun of Westminster	Jerome of Brandon	Rogers of Waterville
Brady of Williston	Jessup of Middlesex	Satcowitz of Randolph
Briglin of Thetford	Killacky of South Burlington	Scheu of Middlebury
Brown of Richmond	Kimbell of Woodstock	Sheldon of Middlebury
Brownell of Pownal	Kornheiser of Brattleboro	Squirrell of Underhill
Burke of Brattleboro	LaLonde of South Burlington	Stevens of Waterbury *
Burrows of West Windsor	Lefebvre of Newark	Sullivan of Dorset
Campbell of St. Johnsbury	Lippert of Hinesburg	Till of Jericho
Coffey of Guilford	Long of Newfane	Toleno of Brattleboro
Colburn of Burlington	Masland of Thetford	Townsend of South Burlington
Colston of Winooski	McCarthy of St. Albans City	Walz of Barre City
Conlon of Cornwall	McCormack of Burlington	Webb of Shelburne
Copeland Hanzas of Bradford	McCullough of Williston	White of Bethel
Cordes of Lincoln	Morris of Springfield	White of Hartford
Dolan of Essex	Mrowicki of Putney	Whitman of Bennington
Dolan of Waitsfield	Mulvaney-Stanak of Burlington	Wood of Waterbury
Donnally of Hyde Park	Nicoll of Ludlow	Yacovone of Morristown
Durfee of Shaftsbury	Nigro of Bennington	Yantachka of Charlotte
Elder of Starksboro		

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

Bock of Chester	Howard of Rutland City	Pearl of Danville
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Chase of Colchester	Kitzmiller of Montpelier	Savage of Swanton
Cupoli of Rutland City	Martin of Franklin	Seymour of Sutton
Grad of Moretown	Norris of Shoreham	

Those members abstaining:

Helm of Fair Haven	McCoy of Poultney
Lanpher of Vergennes	Rosenquist of Georgia

Rep. Cina of Burlington explained his vote as follows:

“Madam Speaker:

Veterans put their lives on the line to support the economic interests of this country. We should be giving more tax breaks to veterans and less tax breaks to corporations.”

Rep. Stevens of Waterbury explained his vote as follows:

“Madam Speaker:

For many years, your General, Housing, and Military Affairs Committee has worked to bring benefits to veterans who live in our State, and we have done it largely in the spirit of balancing our support for our soldiers and the needs of all Vermonters. It took us years to allow property tax relief to disabled veterans, and then to slowly raise the limits when it was shown locally that budgets could handle the number of people who applied. It has also taken years for this House to propose any tax benefit on pensions for a vote on the floor, and I am glad that the Ways and Means Committee has taken the time to break down the passion behind the request and the fiscal realities, and to finally propose the benefit in the bill. I voted no on this amendment to honor this major step forward for our veterans who qualify for the benefits, many if not most are our soldiers from the National Guard, and to acknowledge the Committee for bringing some relief to a substantial number of retired Vermonters.”

Rep. Strong of Albany explained her vote as follows:

“Madam Speaker:

As a Gold Star Mother, I believe this is a small sacrifice that we can make in our state budget to show appreciation for those who have sacrificed so much for us and our freedom. Thank you.”

Thereupon, pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Ways and Means?, **Rep. McCoy of Poultney** asked that the question be divided as follows: First, by

considering Secs. 14–15 in the second instance of amendment; second, by considering Secs. 9–12 in the second instance of amendment; third, by considering Sec. 13 in the second instance of amendment; and fourth, by considering the remainder of the recommended amendment (the first instance of amendment and Secs. 3–8 and 16 in the second instance of amendment).

Recess

At seven o'clock and twenty-seven minutes in the evening, the Speaker declared a recess until the fall of the gavel.

At seven o'clock and thirty-one minutes in the evening, the Speaker called the House to order.

Consideration Resumed; Proposed Amendments Agreed to; Question Further Divided

S. 53

Consideration resumed on Senate bill, entitled

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

Thereupon, the first instance of division, Secs. 14 and 15 of the proposed amendment, as set forth in the report of the Committee on Ways and Means, was agreed to on a vote by division: Yeas 121; Nays, 4.

Pending the question, Shall the House propose to the Senate to amend the bill in the second division of the recommended proposal of amendment (Secs. 9-12 in the second instance of the amendment)?, **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 House propose to the Senate to amend the bill in the second division of the recommended proposal of amendment?, was decided in the affirmative. Yeas, 96. Nays, 44.

Those who voted in the affirmative are:

Ancel of Calais	Durfee of Shaftsbury	Ode of Burlington
Anthony of Barre City	Elder of Starksboro	Pajala of Londonderry
Arrison of Weathersfield	Emmons of Springfield	Partridge of Windham
Austin of Colchester	Gannon of Wilmington	Patt of Worcester
Bartholomew of Hartland	Goldman of Rockingham	Pugh of South Burlington
Beck of St. Johnsbury	Hooper of Montpelier	Rachelson of Burlington
Birong of Vergennes	Hooper of Randolph	Redmond of Essex
Black of Essex	Hooper of Burlington	Rogers of Waterville
Bluemle of Burlington	Houghton of Essex	Satcowitz of Randolph
Bock of Chester	James of Manchester	Scheu of Middlebury

Bongartz of Manchester	Jerome of Brandon	Sheldon of Middlebury
Bos-Lun of Westminster	Jessup of Middlesex	Sims of Craftsbury
Brady of Williston	Killacky of South Burlington	Small of Winooski
Briglin of Thetford	Kornheiser of Brattleboro	Squirrell of Underhill
Brown of Richmond	LaLonde of South	Stebbins of Burlington
Brownell of Pownal	Burlington	Stevens of Waterbury
Brumsted of Shelburne	Lanpher of Vergennes	Surprenant of Barnard
Burke of Brattleboro	Lefebvre of Newark	Taylor of Colchester
Burrows of West Windsor	Lippert of Hinesburg	Till of Jericho
Campbell of St. Johnsbury	Long of Newfane	Toleno of Brattleboro
Chase of Colchester	Masland of Thetford	Townsend of South
Christie of Hartford	McCarthy of St. Albans City	Burlington
Cina of Burlington	McCormack of Burlington	Troiano of Stannard
Coffey of Guilford	McCullough of Williston	Vyhovsky of Essex
Colburn of Burlington	Morris of Springfield	Walz of Barre City
Colson of Winooski	Mrowicki of Putney	Webb of Shelburne
Conlon of Cornwall	Mulvaney-Stanak of	White of Bethel
Copeland Hanzas of	Burlington	White of Hartford
Bradford	Murphy of Fairfax	Whitman of Bennington
Corcoran of Bennington	Nicoll of Ludlow	Wood of Waterbury
Cordes of Lincoln	Nigro of Bennington	Yacovone of Morristown
Dolan of Essex	Notte of Rutland City	Yantachka of Charlotte
Dolan of Waitsfield	Noyes of Wolcott	
Donnally of Hyde Park	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown	Helm of Fair Haven	Palasik of Milton
Springs	Higley of Lowell	Peterson of Clarendon
Batchelor of Derby	Kimbell of Woodstock	Rosenquist of Georgia
Brennan of Colchester	LaClair of Barre Town	Savage of Swanton
Burditt of West Rutland	Lefebvre of Orange	Scheuermann of Stowe
Canfield of Fair Haven	Leffler of Enosburgh	Shaw of Pittsford
Dickinson of St. Albans	Marcotte of Coventry	Sibilia of Dover
Town	Martel of Waterford *	Smith of Derby
Donahue of Northfield	Mattos of Milton	Smith of New Haven
Fagan of Rutland City	McCoy of Poultney	Strong of Albany
Feltus of Lyndon	McFaun of Barre Town	Sullivan of Dorset
Goslant of Northfield	Morgan, L. of Milton	Terenzini of Rutland Town
Graham of Williamstown	Morgan, M. of Milton	Toof of St. Albans Town
Gregoire of Fairfield	Morrissey of Bennington	Williams of Granby
Hango of Berkshire	Norris of Sheldon	
Harrison of Chittenden	Page of Newport City	

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

Cupoli of Rutland City	Kitzmiller of Montpelier	Parsons of Newbury
Grad of Moretown	Martin of Franklin	Pearl of Danville
Howard of Rutland City	Norris of Shoreham	Seymour of Sutton

Rep. Martel of Waterford explained her vote as follows:

“Madam Speaker:

I voted no on this cloud bill.

Before we always laughed about how money grows on trees. Apparently the trees have all died, because now we are going to move up to the clouds to fill our State coffers. How sad it has come to this. By the way if I buy a Turbo Tax at the store I only pay sales tax once, not monthly or whenever you decide to tax us.”

Thereupon, the third division of the recommended proposal of amendment (Sec. 13 in the second instance of amendment) was agreed to in a vote by division: Yeas, 94; Nays, 37.

Pending the question, Shall the House propose to the Senate to amend the bill as set forth in the fourth division of the recommended proposal of amendment, which was the remainder of the recommended proposal of amendment (the first instance of amendment and Secs. 3–8 and 16 in the second instance of amendment)?, **Rep. Colburn of Burlington** asked that the question be further divided so that Sec. 5 be considered first and the remainder be considered thereafter.

Recess

At eight o'clock and nineteen minutes in the evening, the Speaker declared a recess until the fall of the gavel.

At eight o'clock and twenty minutes in the evening, the Speaker called the House to order.

Consideration Resumed; Proposed Amendments Agreed to; Third Reading Ordered

S. 53

Consideration resumed on House bill, entitled

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

Rep. Long of Newfane presiding.

Rep. Krowinski of Burlington presiding.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Ways and Means in Sec. 5 of its

second instance of amendment?, **Rep. Small of Winooski** 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 propose to the Senate to amend the bill as recommended by the Committee on Ways and Means in Sec. 5 of its second instance of amendment?, was decided in the affirmative. Yeas, 129. Nays, 6.

Those who voted in the affirmative are:

Achey of Middletown Springs	Gannon of Wilmington	Noyes of Wolcott
Ancel of Calais	Goldman of Rockingham	O'Brien of Tunbridge
Anthony of Barre City	Goslant of Northfield	Ode of Burlington
Arrison of Weathersfield	Gregoire of Fairfield	Page of Newport City
Austin of Colchester	Hango of Berkshire	Pajala of Londonderry
Bartholomew of Hartland	Harrison of Chittenden	Palasik of Milton
Beck of St. Johnsbury	Helm of Fair Haven	Partridge of Windham
Birong of Vergennes	Higley of Lowell	Patt of Worcester
Black of Essex	Hooper of Montpelier	Peterson of Clarendon
Bluemle of Burlington	Hooper of Randolph	Pugh of South Burlington
Bock of Chester	Hooper of Burlington	Rachelson of Burlington
Bongartz of Manchester	Houghton of Essex	Redmond of Essex
Bos-Lun of Westminster	James of Manchester	Rogers of Waterville
Brady of Williston	Jerome of Brandon	Rosenquist of Georgia
Brennan of Colchester	Jessup of Middlesex	Satcowitz of Randolph
Briglin of Thetford	Killacky of South Burlington	Savage of Swanton
Brown of Richmond	Kimbell of Woodstock	Scheu of Middlebury
Brownell of Pownal	Kornheiser of Brattleboro	Scheuermann of Stowe
Brumsted of Shelburne	LaClair of Barre Town	Shaw of Pittsford
Burditt of West Rutland	LaLonde of South Burlington	Sheldon of Middlebury
Burke of Brattleboro	Lanpher of Vergennes	Sibilia of Dover
Burrows of West Windsor	Lefebvre of Newark	Sims of Craftsbury
Campbell of St. Johnsbury	Lefebvre of Orange	Squirrell of Underhill
Canfield of Fair Haven	Leffler of Enosburgh	Stebbins of Burlington
Chase of Colchester	Lippert of Hinesburg	Stevens of Waterbury
Coffey of Guilford	Long of Newfane	Strong of Albany
Colston of Winooski	Marcotte of Coventry	Sullivan of Dorset
Conlon of Cornwall	Masland of Thetford	Taylor of Colchester
Copeland Hanzas of Bradford	Mattos of Milton	Terenzini of Rutland Town
Corcoran of Bennington	McCarthy of St. Albans City	Till of Jericho
Cordes of Lincoln	McCormack of Burlington	Toleno of Brattleboro
Cupoli of Rutland City	McCoy of Poultney	Toof of St. Albans Town
Dickinson of St. Albans Town	McCullough of Williston	Townsend of South Burlington
Dolan of Essex	McFaun of Barre Town	Troiano of Stannard
Dolan of Waitsfield	Morgan, L. of Milton	Walz of Barre City
Donahue of Northfield	Morgan, M. of Milton	Webb of Shelburne
Donnally of Hyde Park	Morris of Springfield	White of Bethel
Durfee of Shaftsbury	Morrissey of Bennington	White of Hartford
	Mrowicki of Putney	Whitman of Bennington
	Murphy of Fairfax	Williams of Granby

Elder of Starksboro	Nicoll of Ludlow	Wood of Waterbury
Emmons of Springfield	Nigro of Bennington	Yacovone of Morristown
Fagan of Rutland City	Norris of Sheldon	Yantachka of Charlotte
Feltus of Lyndon	Notte of Rutland City	

Those who voted in the negative are:

Cina of Burlington	Burlington	Vyhovsky of Essex
Colburn of Burlington	Small of Winooski	
Mulvaney-Stanak of	Surprenant of Barnard	

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

Batchelor of Derby	Kitzmiller of Montpelier	Pearl of Danville
Christie of Hartford	Martel of Waterford	Seymour of Sutton
Grad of Moretown	Martin of Franklin	Smith of Derby
Graham of Williamstown	Norris of Shoreham	Smith of New Haven
Howard of Rutland City	Parsons of Newbury	

Thereupon, the remainder of the proposal of amendment recommended by the Committee on Ways and Means (the first instance of amendment and Secs. 3, 4, 6–8, and 16 in the second instance of amendment), 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, 98. Nays, 38.

Those who voted in the affirmative are:

Ancel of Calais	Elder of Starksboro	Ode of Burlington
Anthony of Barre City	Emmons of Springfield	Pajala of Londonderry
Arrison of Weathersfield	Fagan of Rutland City	Partridge of Windham
Austin of Colchester	Feltus of Lyndon	Patt of Worcester
Bartholomew of Hartland	Gannon of Wilmington	Pugh of South Burlington
Beck of St. Johnsbury	Goldman of Rockingham	Rachelson of Burlington
Birong of Vergennes	Hooper of Montpelier	Redmond of Essex
Black of Essex	Hooper of Randolph	Rogers of Waterville
Bluemle of Burlington	Hooper of Burlington	Satcowitz of Randolph
Bock of Chester	Houghton of Essex	Scheu of Middlebury
Bongartz of Manchester	James of Manchester	Sheldon of Middlebury
Bos-Lun of Westminster	Jerome of Brandon	Sims of Craftsbury
Brady of Williston	Jessup of Middlesex	Small of Winooski *
Briglin of Thetford	Killacky of South Burlington	Squirrell of Underhill
Brown of Richmond	Kornheiser of Brattleboro	Stebbins of Burlington
Brownell of Pownal	LaLonde of South	Stevens of Waterbury
Brumsted of Shelburne	Burlington	Surprenant of Barnard
Burke of Brattleboro	Lanpher of Vergennes	Taylor of Colchester

Burrows of West Windsor	Lefebvre of Newark	Till of Jericho *
Campbell of St. Johnsbury	Lippert of Hinesburg	Toleno of Brattleboro
Chase of Colchester	Long of Newfane *	Townsend of South
Christie of Hartford	Masland of Thetford	Burlington
Cina of Burlington	McCarthy of St. Albans City	Troiano of Stannard
Coffey of Guilford	McCormack of Burlington	Vyhovsky of Essex *
Colburn of Burlington *	McCullough of Williston	Walz of Barre City
Colston of Winooski	Morris of Springfield	Webb of Shelburne
Conlon of Cornwall	Mrowicki of Putney	White of Bethel
Copeland Hanzas of	Mulvaney-Stanak of	White of Hartford
Bradford	Burlington	Whitman of Bennington
Corcoran of Bennington	Murphy of Fairfax	Wood of Waterbury
Cordes of Lincoln	Nicoll of Ludlow	Yacovone of Morristown
Dolan of Essex	Nigro of Bennington	Yantachka of Charlotte
Dolan of Waitsfield	Notte of Rutland City	
Donnally of Hyde Park	Noyes of Wolcott	
Durfee of Shaftsbury	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown	Higley of Lowell	Palasik of Milton
Springs	Kimbell of Woodstock	Peterson of Clarendon
Brennan of Colchester	LaClair of Barre Town	Rosenquist of Georgia
Burditt of West Rutland	Lefebvre of Orange	Savage of Swanton
Canfield of Fair Haven	Leffler of Enosburgh	Scheuermann of Stowe
Cupoli of Rutland City	Marcotte of Coventry	Shaw of Pittsford
Dickinson of St. Albans	Mattos of Milton	Sibilia of Dover
Town	McCoy of Poultney *	Strong of Albany
Donahue of Northfield	McFaun of Barre Town	Sullivan of Dorset
Goslant of Northfield	Morgan, L. of Milton	Terenzini of Rutland Town
Gregoire of Fairfield	Morgan, M. of Milton	Toof of St. Albans Town
Hango of Berkshire	Morrissey of Bennington	Williams of Granby
Harrison of Chittenden	Norris of Sheldon	
Helm of Fair Haven	Page of Newport City	

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

Batchelor of Derby	Martel of Waterford	Seymour of Sutton
Grad of Moretown	Martin of Franklin	Smith of Derby
Graham of Williamstown	Norris of Shoreham	Smith of New Haven
Howard of Rutland City	Parsons of Newbury	
Kitzmiller of Montpelier	Pearl of Danville	

Rep. Colburn of Burlington explained her vote as follows:

“Madam Speaker:

While I am disappointed that this body chose to enact 20 million dollars’ worth of annual corporate tax cuts through the single sales factor policy, I believe the good in other portions of this bill outweighs the bad.”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

I vote in support of this bill. It accomplishes many things, including a new exemption to the sales tax for menstrual products, it updates the calculation for corporate income tax liability and repeals a sales tax exemption on vendor-hosted pre-written computer software. It also creates an exclusion on the first \$10,000 of federally taxable U.S. Military retirement pay. These provisions will have an overall positive impact on Vermonters.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

With a 300 million dollar surplus, one billion dollars in CRF funding, and an additional one billion dollars in ARPA funds, which should hit our bank account sometime in May, I cannot support tax increases to businesses at this time.”

Rep. Small of Winooski explained her vote as follows:

“Madam Speaker:

Though this bill strayed far from its original intention, I support this bill because of the positive impacts it will have in our community.”

Rep. Till of Jericho explained his vote as follows:

“Madam Speaker:

Lest we forget, this bill is entitled: An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax. It is way past due time to remove this unfair, gender specific tax on the women of Vermont.”

Rep. Vyhovsky of Essex explained her vote as follows:

“Madam Speaker:

I voted yes because of the good in this bill. This bill gets us towards a long fought goal of equity for those of us who menstruate and for our veterans. However, I find it troubling that in a bill entitled An act relating to exempting feminine hygiene products from sales tax, that I am forced to also accept amendments to our tax structure that are likely only to benefit our top one hundred tax filers most. Thank you.”

Message from the Senate No. 44

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 passed Senate bill of the following title:

S. 135. An act relating to separating the individual and small group health insurance markets for plan year 2022.

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. 151. An act relating to vital records, mausoleums and columbaria, and emergency health orders.

And has passed the same in concurrence.

Adjournment

At nine o'clock and thirty-two 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, April 16, 2021

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

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Senate Bill Referred

S. 135

Senate bill, entitled

An act relating to separating the individual and small group health insurance markets for plan year 2022

Was read the first time and referred to the Committee on Health Care.

Bill Referred to Committee on Appropriations

H. 265

House bill, entitled

An act relating to the Office of the Child Advocate

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

**Second Reading; Proposals of Amendment Agreed to;
Third Reading Ordered; Rules Suspended; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment;
Rules Suspended; Bill Messaged to Senate Forthwith**

S. 88

Rep. Nicoll of Ludlow, for the Committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to insurance, banking, and securities

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 2760b is amended to read:

§ 2760b. PROHIBITED ACTIVITIES

* * *

(c) No person or any other entity, other than a licensee, shall use the ~~title~~ titles “debt adjuster,” “budget planner,” “licensed debt adjuster,” or “licensed budget planner” or the ~~term terms~~ “debt adjuster,” “debt reduction,” or “budget planning,” or, in each case, words of similar import in any public advertisement, business card, or letterhead.

* * *

Sec. 2. 8 V.S.A. § 2102 is amended to read:

§ 2102. APPLICATION FOR LICENSE

* * *

(b) At the time of making an application, the applicant shall pay to the Commissioner a fee for investigating the application and a license or registration fee for a period terminating on the last day of the current calendar year. The following fees are imposed on applicants:

* * *

(8) ~~For an application for any combination of lender license under chapter 73 of this title, mortgage broker license under chapter 73 of this title, loan solicitation license under chapter 73 of this title, or loan servicer license~~

~~under chapter 85 of this title, \$1,500.00 as a license fee and \$1,500.00 as an application and investigation fee. [Repealed.]~~

* * *

Sec. 3. 8 V.S.A. § 2109 is amended to read:

§ 2109. ANNUAL RENEWAL OF LICENSE

(a) On or before December 1 of each year, every licensee shall renew its license or registration for the next succeeding calendar year and shall pay to the Commissioner the applicable renewal of license or registration fee. At a minimum, the licensee or registree shall continue to meet the applicable standards for licensure or registration. At the same time, the licensee or registree shall maintain with the Commissioner any required bond in the amount and of the character as required by the applicable chapter. The annual license or registration renewal fee shall be:

* * *

~~(8) For any combination of lender license under chapter 73 of this title, mortgage broker license under chapter 73 of this title, loan solicitation license under chapter 73 of this title, or loan servicer license under chapter 85 of this title, \$1,700.00. [Repealed.]~~

* * *

Sec. 4. 8 V.S.A. § 2120(a)(4) is amended to read:

(4) If a licensee does not file its annual report on or before April 1, or within any extension of time granted by the Commissioner, the licensee shall pay to the Department ~~\$100.00~~ \$1,000.00 for each month or part of a month that the report is past due, beginning on the date that is five business days after April 1 or the last date of such extension, as applicable.

Sec. 5. 8 V.S.A. § 2405(a) is amended to read:

(a) ~~Each independent trust company shall annually file a report on its financial condition with the Commissioner on or before February 15 for the preceding year ending December 31. The Commissioner may require reports from any independent trust company doing a trust business in this State, containing such information, including on its financial condition, at such times and in such format as the Commissioner may prescribe. The Commissioner may require additional reports from any independent trust company that is doing a trust business in this State. The Commissioner may accept a copy of any report from the primary regulator of the independent trust company if the Commissioner determines that the report is substantially similar to a report required under this section.~~

Sec. 6. 8 V.S.A. § 2105 is amended to read:

§ 2105. CONTENTS OF LICENSE; NONTRANSFERABLE

(a) A license shall state the address at which a licensee will conduct its business, shall state fully the name of the licensee, and, if the licensee is not an individual, shall state the date and place of its organization or incorporation.

(b) A mortgage loan originator license shall state fully the name of the individual, his or her sponsoring company, and the licensed location ~~at~~ to which he or she is ~~employed~~ assigned.

* * *

Sec. 7. 8 V.S.A. § 2122 is amended to read:

§ 2122. USE OF OTHER NAMES OR BUSINESS PLACES

(a) A licensee shall not conduct business or make a loan subject to regulation under this part under any other name or at any other place of business than as specified in its license.

(b) Mortgage loan originators and employees of licensees may work remotely through a licensed location without being physically present at such location, provided the mortgage loan originator or employee is assigned to a licensed location, is adequately supervised by the licensee, and the licensee and the mortgage loan originator or employee meet such additional conditions as the Commissioner may require.

(c) This section does not apply to a commercial loan made to a borrower located outside Vermont for use outside Vermont.

Sec. 8. 8 V.S.A. § 2201 is amended to read:

§ 2201. LICENSES REQUIRED

* * *

(b) A licensed mortgage loan originator shall register and maintain a valid unique identifier with the Nationwide Multistate Licensing System and Registry and shall be either:

(1) An employee actively employed at or assigned to a licensed location of, and supervised and sponsored by, only one licensed lender or licensed mortgage broker operating in this State.

(2) An individual sole proprietor who is also a licensed lender or licensed mortgage broker.

(3) An employee engaged in loan modifications employed at or assigned to a licensed location of, and supervised and sponsored by, only one third-party

loan servicer licensed to operate in this State pursuant to chapter 85 of this title. As used in this subsection, "loan modification" means an adjustment or compromise of an existing residential mortgage loan. The term "loan modification" does not include a refinancing transaction.

* * *

Sec. 9. 8 V.S.A. § 4806 is amended to read:

§ 4806. ~~SURRENDER OF LICENSE; LOSS OR DESTRUCTION~~
SUSPENSION, REVOCATION, OR TERMINATION OF
 LICENSE

* * *

~~(c) Upon suspension, revocation, or termination of a license, the licensee shall forthwith deliver it to the Commissioner by personal delivery or by mail. [Repealed.]~~

~~(d) Any licensee who ceases to maintain his or her residency in this State as defined in subdivision 4800(3) of this title, shall deliver his or her insurance license or licenses to the Commissioner by personal delivery or by mail within 30 days after terminating his or her residency. [Repealed.]~~

~~(e) The Commissioner may issue a duplicate license for any lost, stolen, or destroyed license issued pursuant to this subchapter upon an affidavit of the licensee prescribed by the Commissioner concerning the facts of the loss, theft, or destruction. [Repealed.]~~

Sec. 10. 8 V.S.A. § 23(a) is amended to read:

(a) This section shall apply to all persons licensed, authorized, or registered, or required to be licensed, authorized, or registered, under ~~Parts 2 and 4~~ of this title.

Sec. 11. 8 V.S.A. § 8301 is amended to read:

§ 8301. DEFINITIONS

As used in this chapter:

(1) "Adjusted risk based capital report" means a risk based capital report ~~which~~ that has been adjusted by the Commissioner in accordance with subsection 8302(e) of this title.

(2) "Commissioner" means the Commissioner of Financial Regulation.

(3) "Corrective order" means an order issued by the Commissioner specifying corrective actions ~~which~~ that the Commissioner has determined are required under this chapter.

(4) “Domestic insurer” means any insurance company organized in this State under subchapter 1 of chapter 101 of this title, any fraternal benefit society organized in this State under chapter 121 of this title, any health maintenance organization organized in this State under chapter 139 of this title, and any entity organized in this State under chapter 123 or 125 of this title.

(5) “Fraternal benefit society” means any insurance company licensed under chapter 121 of this title.

(6) “Foreign insurer” means any entity licensed to transact business in this State that is required to file a risk based capital statement in the state where the entity is domiciled.

(7) “Health maintenance organization” means any entity organized in the State under chapter 139 of this title.

(8) “Life or health insurer” means any an insurance company who that insures lives or health as defined in subdivisions 3301(a)(1) and (2) of this title, any health maintenance organization organized in this State under chapter 139 of this title, any an entity organized in this State under chapter 123 or 125 of this title, or a licensed property and casualty insurer writing only accident and health insurance.

~~(8)~~(9) “NAIC” means the National Association of Insurance Commissioners.

~~(9)~~(10) “Negative trend” means, with respect to a life or health insurer or fraternal benefit society, negative trend over a period of time as determined in accordance with the trend test calculation included in the life or fraternal risk based capital instructions.

~~(10)~~(11) “Property and casualty insurer” means any insurance company who that insures property or casualty as defined in subdivisions 3301(a)(3) and (7) of this title, but shall not include monoline mortgage guaranty insurers, financial guaranty insurers, and or title insurers.

~~(11)~~(12) “Risk based capital instructions” means the risk based capital report form and the related instructions adopted by the NAIC and approved by the Commissioner.

~~(12)~~(13) “Risk based capital level” means one of the following four levels: company action level risk based capital, regulatory action level risk based capital, authorized control level risk based capital, or mandatory control level risk based capital.

(A) “Company action level risk based capital” means, with respect to any insurer, the product of 2.0 and its authorized control level risk based capital.

(B) “Regulatory action level risk based capital” means, with respect to any insurer, the product of 1.5 and its authorized control level risk based capital.

(C) “Authorized control level risk based capital” means the number determined under the risk based capital formula in accordance with the risk based capital instructions.

(D) “Mandatory control level risk based capital” means, with respect to any insurer, the product of 0.70 and its authorized control level risk based capital.

~~(13)~~(14) “Risk based capital plan” means a comprehensive financial plan containing the elements specified in subsection 8303(b) of this title. If the Commissioner rejects the risk based capital plan and it is revised by the insurer, with or without the Commissioner’s recommendation, the plan shall be called the “revised risk based capital plan.”

~~(14)~~(15) “Risk based capital report” means the report required in section 8302 of this title.

~~(15)~~(16) “Total adjusted capital” means the sum of:

(A) the insurer’s statutory capital and surplus reported in the insurer’s annual statement under section 3561 of this title; and

(B) such other items, if any, as the risk based capital instructions may provide.

Sec. 12. 8 V.S.A. § 8302 is amended to read:

§ 8302. RISK BASED CAPITAL REPORT

* * *

(d) A property and casualty insurer’s or health maintenance organization’s risk based capital shall be determined in accordance with the formula set forth in the risk based capital instructions. The formula shall take into account and may adjust for the covariance between the following factors determined in each case by applying the factors in the manner set forth in the risk based capital instructions:

- (1) asset risk;
- (2) credit risk;
- (3) underwriting risk; and

(4) all other business risks and such other relevant risks as are set forth in the risk based capital instructions.

(e) If a domestic insurer files a risk based capital report ~~which~~ that in the judgment of the Commissioner is inaccurate, then the Commissioner shall adjust the risk based capital report to correct the inaccuracy and shall notify the insurer of the adjustment. The notice shall contain a statement of the reason for the adjustment. A risk based capital report adjusted by the Commissioner under this subsection shall be referred to as an “adjusted risk based capital report.”

Sec. 13. 8 V.S.A. § 8303 is amended to read:

§ 8303. COMPANY ACTION LEVEL EVENT

(a) “Company action level event” means any of the following events:

(1) The filing of a risk based capital report by an insurer ~~which~~ that indicates that:

(A) the insurer’s total adjusted capital is greater than or equal to its regulatory action level risk based capital but less than its company action level risk based capital;

(B) if in the case of a life or health insurer or a fraternal benefit society, the insurer or society has total adjusted capital ~~which~~ that is greater than or equal to its company action level risk based capital but less than the product of its authorized control level risk based capital and 3.0 and has a negative trend; ~~or~~

(C) if in the case of a property and casualty insurer, the insurer has total adjusted capital ~~which~~ that is greater than or equal to its company action level risk based capital but less than the product of its authorized control level risk based capital and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the property and casualty risk based capital instructions; or

(D) in the case of a health maintenance organization, the insurer has total adjusted capital that is greater than or equal to its company action level risk based capital but less than the product of its authorized control level risk based capital and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the health risk based capital instructions.

(2) The notification by the Commissioner to the insurer of an adjusted risk based capital report that indicates an event in subdivision (1) of this subsection, provided the insurer does not challenge the adjusted risk based capital report under section 8307 of this title.

(3) If, under section 8307 of this title, an insurer challenges an adjusted risk based capital report that indicates the event in subdivision (1) of this subsection, the notification by the Commissioner to the insurer that the Commissioner has, after a hearing, rejected the insurer's challenge.

(b) An insurer shall prepare and submit to the Commissioner a risk based capital plan within 45 days of filing a risk based capital report or within 45 days of a final adjusted risk based capital report showing a company action level event. The risk based capital plan shall be a comprehensive financial plan and shall:

(1) ~~identify~~ Identify the conditions in the insurer ~~which~~ that contribute to the company action level event;

(2) ~~contain~~ Contain proposals of corrective actions ~~which~~ that the insurer intends to take that would result in the elimination of the company action level event;

(3) ~~provide~~ Provide projections of the insurer's financial results in the current year and at least the four succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital, and surplus. The projections for both new and renewal business should include separate projections for each major line of business and separately identify each significant income, expense, and benefit component;

(4) ~~identify~~ Identify the key assumptions impacting the insurer's projections and the sensitivity of the projections to the assumptions; ~~and~~.

(5) ~~identify~~ Identify the quality of, and problems associated with, the insurer's business, including its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business, and use of reinsurance.

(c) The Commissioner shall notify the insurer whether the proposed risk based capital plan is approved within 60 days of its submission. If the Commissioner disapproves the plan, the notice shall set forth the reasons for the disapproval and may notify the insurer of revisions ~~which~~ that will render the risk based capital plan satisfactory to the Commissioner. Upon notice that a proposed plan is disapproved, the insurer shall prepare and submit a revised risk based capital plan within 45 days of the Commissioner's notice of disapproval or, if the Commissioner's notice of disapproval is appealed under section 8307 of this title, within 45 days of a Commissioner's determination adverse to the insurer.

(d) In the event of a notification by the Commissioner to an insurer that the insurer's risk based capital plan or revised risk based capital plan is

unsatisfactory, the Commissioner may at the Commissioner's discretion, subject to the insurer's right to a hearing under section 8307 of this title, specify in the notification that the notification constitutes a regulatory action level event.

(e) Each domestic insurer required to file a risk based capital plan or revised risk based capital plan under this section shall file a copy of the plan with the insurance commissioner in any state in which the insurer is authorized to do business if:

(1) such state has a provision that is substantially similar to section 8308 of this title; ~~and~~ or

(2) the insurance commissioner of that state has notified the insurer of its request for the filing in writing. Plans required to be filed under this subdivision shall be filed ~~no~~ not later than the later of:

(A) 15 days after notice to file a copy of its risk based capital plan or revised risk based capital plan with the state; or

(B) the date on which the risk based capital plan or revised risk based capital plan is required to be filed under section 8304 of this title.

Sec. 14. 8 V.S.A. § 8307 is amended to read:

§ 8307. HEARINGS

Upon receipt of any notice required under ~~subsections~~ subsection 8302(e), 8303(c) ~~and~~ or (d), ~~and subdivisions~~ subdivision 8304(a)(4) ~~and~~ or (5), ~~and~~ or subsection 8304(c) of this title, any insurer aggrieved by any action taken under those sections may appeal to the Commissioner within five days of receipt of notice of the action. The hearing shall be subject to 3 V.S.A. chapter 25. Upon receipt of the insurer's request for a hearing, the Commissioner shall set a date for the hearing, which date shall be ~~no~~ not less than 10 nor more than 30 days after the date of the insurer's request.

Sec. 15. 8 V.S.A. § 8308(a) is amended to read:

(a) All risk based capital reports, to the extent the information therein is not required to be set forth in a publicly available annual statement schedule, and risk based capital plans, including the results or report of any examination or analysis of an insurer performed pursuant hereto and any corrective order issued by the Commissioner pursuant to examination or analysis, with respect to any domestic insurer or foreign insurer ~~which~~ that are filed with the Commissioner, constitute information that might be damaging to the insurer if made available to its competitors, and therefore shall be kept confidential and privileged by the Commissioner. This information shall not be made available for public inspection and copying under the Public Records Act, shall not be

subject to subpoena, shall not be subject to discovery, and shall not be admissible in evidence in any private civil action. However, the Commissioner is authorized to use the documents, materials, or other information for the purpose of enforcement actions taken by the Commissioner under this chapter or any other provision of the insurance laws of this State.

Sec. 16. 8 V.S.A. § 8312 is amended to read:

§ 8312. CONFIDENTIALITY OF RISK BASED CAPITAL REPORTS

All risk based capital reports concerning insurance companies that are not included in section 8308 of this title that are submitted to the Department by the ~~National Association of Insurance Commissioners NAIC~~ or by other states are confidential and ~~may~~ shall not be disclosed by the Department.

Sec. 17. 8 V.S.A. § 15a is amended to read:

§ 15a. INSURANCE REGULATORY SANDBOX; INNOVATION
WAIVER; SUNSET.

* * *

(o) No new waivers or extensions shall be granted after July 1, ~~2024~~ 2023.

(p) This section shall be repealed on July 1, ~~2023~~ 2025.

Sec. 18. 9 V.S.A. § 5410 is amended to read:

§ 5410. FILING FEES

(a) A person shall pay a fee of \$300.00 when initially filing an application for registration as a broker-dealer and a fee of \$300.00 when filing a renewal of registration as a broker-dealer. A separate application in writing for branch office registration or renewal, accompanied by a filing fee of \$120.00 per branch office, shall be filed in the Office of the Commissioner in such form as the Commissioner may prescribe by any broker-dealer who transacts business in this State from any place of business located within this State. ~~If the filing results in a denial or withdrawal, the Commissioner shall retain the fee~~ The fee is nonrefundable.

(b) The fee for an individual is \$120.00 when filing an application for registration as an agent, \$120.00 when filing a renewal of registration as an agent, and \$120.00 when filing for a change of registration as an agent. ~~If the filing results in a denial or withdrawal, the Commissioner shall retain the fee~~ The fee is nonrefundable.

(c) A person shall pay a fee of \$300.00 when filing an application for registration as an investment adviser and a fee of \$300.00 when filing a renewal of registration as an investment adviser. A separate application in

writing for branch office registration or renewal, accompanied by a filing fee of \$120.00 per branch office, shall be filed in the Office of the Commissioner in such form as the Commissioner may prescribe by any investment adviser who transacts business in this State from any place of business located within the State. ~~If the filing results in a denial or withdrawal, the Commissioner shall retain the fee~~ The fee is nonrefundable.

(d) The fee for an individual is \$80.00 when filing an application for registration as an investment adviser representative, \$80.00 when filing a renewal of registration as an investment adviser representative, and \$80.00 when filing a change of registration as an investment adviser representative. ~~If the filing results in a denial or withdrawal, the Commissioner shall retain the fee~~ The fee is nonrefundable.

(e) A federal covered investment adviser required to file a notice under section 5405 of this title shall pay an initial fee of \$300.00 and an annual notice fee of \$300.00. A notice filing may be terminated by filing notice of such termination with the Commissioner. ~~If a notice filing results in a denial or withdrawal, the Commissioner shall retain the fee~~ The fee is nonrefundable.

Sec. 19. 8 V.S.A. § 4077 is added to read:

§ 4077. TERMINATION; COMPREHENSIVE MAJOR MEDICAL
POLICIES; GRACE PERIOD

(a) A comprehensive major medical insurance policy issued by a health insurance company, nonprofit hospital or medical service corporation, or health maintenance organization that insures employees, members, or subscribers for hospital and medical insurance on an expense-incurred, service, or prepaid basis shall:

(1) provide notice to the policyholder or other responsible party of any premium payment due on a policy at least 21 days before the due date; and

(2) provide a grace period of at least one month for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force and the issuer of the policy shall be liable for valid claims for covered losses incurred prior to the end of the grace period.

(b) If the issuer of a policy described in subsection (a) of this section does not receive payment by the due date, the issuer shall send a termination notice to the policyholder at least 21 days prior to termination notifying the policyholder that the issuer may terminate the policy if payment is not received by the termination date.

(c) The termination date of a policy described in subsection (a) of this section shall not be earlier than the day following the last day of the grace period set forth in subdivision (a)(1) of this section.

Sec. 20. 8 V.S.A. § 4089h is amended to read:

§ 4089h. CANCELLATION OR NONRENEWAL OF HEALTH
INSURANCE COVERAGE

(a) A Except as otherwise provided for comprehensive major medical insurance coverage in section 4077 of this chapter, a health insurer shall notify a policyholder of any premium payment due on a policy at least 21 days before the due date. If an insurer does not receive payment by the due date, an insurer shall send a termination notice to the policyholder notifying the policyholder that the insurer will terminate the policy effective on the due date if payment is not received within 14 days from the date of mailing of the termination notice. If an insurer does not receive payment within 14 days from the date of mailing of the termination notice an insurer may cancel coverage effective on the due date.

(b) As used in this section, "health insurer" means a health insurance company, a hospital or medical service corporation, or a health maintenance organization which that issues or renews any individual policy, service contract, or benefit plan in this State.

Sec. 21. 8 V.S.A. § 6002 is amended to read:

§ 6002. LICENSING; AUTHORITY

* * *

(b) No captive insurance company shall do any insurance business in this State unless:

(1) it first obtains from the Commissioner a license authorizing it to do insurance business in this State;

(2) its board of directors or committee of managers or, in the case of a reciprocal insurer, its subscribers' advisory committee holds at least one meeting each year in this State;

(3) it maintains its principal place of business in this State; and

(4) it appoints a registered agent to accept service of process and to otherwise act on its behalf in this State; provided that whenever such registered agent cannot with reasonable diligence be found at the registered office of the captive insurance company, the ~~Secretary of State~~ Commissioner shall be an

agent of such captive insurance company upon whom any process, notice, or demand may be served.

(c)(1) Before receiving a license, a captive insurance company shall:

(A) File with the Commissioner a ~~certified~~ copy of its organizational documents, ~~a statement under oath of its president and secretary showing its financial condition,~~ and any other statements or documents required by the Commissioner.

(B) Submit to the Commissioner for approval a description of the coverages, deductibles, coverage limits, and rates, together with such additional information as the Commissioner may reasonably require. In the event of any subsequent material change in any item in such description, the captive insurance company shall submit to the Commissioner for approval an appropriate revision and shall not offer any additional kinds of insurance until a revision of such description is approved by the Commissioner. The captive insurance company shall inform the Commissioner of any material change in rates within 30 days of the adoption of such change.

(2) Each applicant captive insurance company shall also file with the Commissioner evidence of the following:

(A) the amount and liquidity of its assets relative to the risks to be assumed;

(B) the adequacy of the expertise, experience, and character of the person or persons who will manage it;

(C) the overall soundness of its plan of operation;

(D) the adequacy of the loss prevention programs of its insureds; and

(E) such other factors deemed relevant by the Commissioner in ascertaining whether the proposed captive insurance company will be able to meet its policy obligations.

(3) Information submitted pursuant to this subsection shall be and remain confidential, and may not be made public by the Commissioner or an employee or agent of the Commissioner without the written consent of the company, except that:

(A) such information may be discoverable by a party in a civil action or contested case to which the captive insurance company that submitted such information is a party, upon a showing by the party seeking to discover such information that:

(i) the information sought is relevant to and necessary for the furtherance of such action or case;

(ii) the information sought is unavailable from other nonconfidential sources; and

(iii) a subpoena issued by a judicial or administrative officer of competent jurisdiction has been submitted to the Commissioner; provided, however, that the provisions of this subdivision (3) shall not apply to any risk retention group; and

(B) the Commissioner may, in the Commissioner's discretion, disclose such information to a public officer having jurisdiction over the regulation of insurance in another state, provided that:

(i) such public official shall agree in writing to maintain the confidentiality of such information; and

(ii) the laws of the state in which such public official serves require such information to be and to remain confidential.

* * *

(e) If the Commissioner is satisfied that the documents and statements that such captive insurance company has filed comply with the provisions of this chapter, and that such captive insurance company has been duly organized, the Commissioner may grant a license authorizing it to do insurance business in this State until April 1 thereafter, which license may be renewed.

Sec. 22. 8 V.S.A. § 6004 is amended to read:

§ 6004. MINIMUM CAPITAL AND SURPLUS; LETTER OF CREDIT

(a) ~~No captive insurance company shall be issued a license unless it~~ Prior to issuing any policies of insurance or entering into any contracts of reinsurance, each captive insurance company shall possess and thereafter maintain unimpaired paid-in capital and surplus of:

(1) in the case of a pure captive insurance company, not less than \$250,000.00;

(2) in the case of an association captive insurance company, not less than \$500,000.00;

(3) in the case of an industrial insured captive insurance company, not less than \$500,000.00;

(4) in the case of an agency captive insurance company, not less than \$500,000.00;

(5) in the case of a risk retention group, not less than \$1,000,000.00; and

(6) in the case of a sponsored captive insurance company, not less than \$100,000.00.

(b) The Commissioner may prescribe additional capital and surplus based upon the type, volume, and nature of insurance business transacted.

(c) Capital and surplus may be in the form of cash, marketable securities, a trust approved by the Commissioner and of which the Commissioner is the sole beneficiary, or an irrevocable letter of credit issued by a bank approved by the Commissioner. The Commissioner may reduce or waive the capital and surplus amounts required by this section pursuant to a plan of dissolution for the company approved by the Commissioner.

(d) Within 30 days after commencing business, each captive insurance company shall file with the Commissioner a statement under oath of its president and secretary certifying that the captive insurance company possessed the requisite unimpaired paid-in capital and surplus prior to commencing business.

Sec. 23. 8 V.S.A. § 6007 is amended to read:

§ 6007. REPORTS AND STATEMENTS

(a) Captive insurance companies shall not be required to make any annual report except as provided in this chapter.

(b) Prior to March 1 of each year, and prior to March 15 of each year in the case of pure captive insurance companies, association captive insurance companies, sponsored captive insurance companies, ~~or~~ industrial insured captive insurance companies, or agency captive insurance companies, each captive insurance company shall submit to the Commissioner a report of its financial condition, verified by oath of two of its executive officers. Each captive insurance company shall report using generally accepted accounting principles, statutory accounting principles, or international financial reporting standards unless the Commissioner requires, approves, or accepts the use of any other comprehensive basis of accounting, in each case with any appropriate or necessary modifications or adaptations thereof required or approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. As used in this section, statutory accounting principles shall mean the accounting principles codified in the NAIC Accounting Practices and Procedures Manual. Upon application for admission, a captive insurance company shall select, with explanation, an accounting method for reporting. Any change in a captive insurance company's accounting method shall require prior approval. Except as otherwise provided, each risk retention group shall file its report in the form

required by subsection 3561(a) of this title, and each risk retention group shall comply with the requirements set forth in section 3569 of this title. The Commissioner shall by rule propose the forms in which pure captive insurance companies, association captive insurance companies, sponsored captive insurance companies, and industrial insured captive insurance companies shall report. Subdivision 6002(c)(3) of this title shall apply to each report filed pursuant to this section, except that such subdivision shall not apply to reports filed by risk retention groups.

(c) Any pure captive insurance company, association captive insurance company, sponsored captive insurance company, ~~or industrial insured captive insurance company,~~ or agency captive insurance company may make written application for filing the required report on a fiscal year-end. If an alternative reporting date is granted:

(1) the annual report is due 75 days after the fiscal year-end; and

(2) in order to provide sufficient detail to support the premium tax return, the pure captive insurance company, association captive insurance company, sponsored captive insurance company, or industrial insured captive insurance company shall file prior to March 15 of each year for each calendar year-end, pages 1, 2, 3, and 5 of the "Vermont Captive Insurance Company Annual Report - Short Form" verified by oath of two of its executive officers.

Sec. 24. 8 V.S.A. § 6034c is amended to read:

§ 6034c. ~~PROTECTED CELL CONVERSION INTO AN INCORPORATED~~
~~PROTECTED CELL~~

(a)(1) Subject to the prior written approval of the Commissioner, on application of the sponsor and with the prior consent of each participant of the affected ~~protected cell~~ cells or as otherwise permitted pursuant to a participation agreement and the consent of each affected incorporated protected cell, a sponsored captive insurance company or a sponsored captive insurance company licensed as a special purpose financial insurance company may convert ~~a protected cell into an incorporated protected cell pursuant to the provisions of section 6034a of this title, without affecting the protected cell's assets, rights, benefits, obligations, and liabilities~~ one or more protected cells or incorporated protected cells into a:

(A) single protected cell or incorporated protected cell;

(B) new sponsored captive insurance company;

(C) new sponsored captive insurance company licensed as a special purpose financial insurance company;

- (D) new special purpose financial insurance company;
- (E) new pure captive insurance company;
- (F) new risk retention group;
- (G) new agency captive insurance company;
- (H) new industrial insured captive insurance company; or
- (I) new association captive insurance company.

(2) Any such conversion shall be subject to section 6031 and subchapters 1 and 4 of this chapter, as applicable, as well as to a plan or plans of operation approved by the Commissioner, without affecting any protected cell's or incorporated protected cell's assets, rights, benefits, obligations, and liabilities.

(b) Any such conversion shall be deemed for all purposes to be a continuation of ~~the~~ each such protected cell's or incorporated protected cell's existence together with all of its assets, rights, benefits, obligations, and liabilities, as ~~an a new protected cell or incorporated protected cell of the,~~ a licensed sponsored captive insurance company ~~or,~~ a sponsored captive insurance company licensed as a special purpose financial insurance company, a pure captive insurance company, a risk retention group, an industrial insured captive insurance company, or an association captive insurance company, as applicable. Any such conversion shall be deemed to occur without any transfer or assignment of any such assets, rights, benefits, obligations, or liabilities and without the creation of any reversionary interest in, or impairment of, any such assets, rights, benefits, obligations, and liabilities.

(c) Any such conversion shall not be construed to limit any rights or protections applicable to any converted protected cell or incorporated protected cell and such sponsored captive insurance company or sponsored captive insurance company licensed as a special purpose financial insurance company under this subchapter or under subchapter 4 of this chapter, as applicable, that existed immediately prior to the date of any such conversion.

(d)(1) Any protected cell converting into an incorporated protected cell pursuant to this section, or converting into a new captive insurance company or risk retention group pursuant to this section, shall perform such conversion in accordance with:

(A) the provisions of 11A V.S.A. chapter 11 if the converted entity is to be a corporation;

(B) the provisions of 11 V.S.A. chapter 25, subchapter 10 if the converted entity is to be a limited liability company; or

(C) the provisions applicable to any other type of entity permissible under Vermont law if the converted entity is to be such an entity.

(2) As used in this subdivision, a protected cell that is not an incorporated protected cell shall be considered an “organization” as that term is defined in 11A V.S.A. § 11.01 and 11 V.S.A. § 4141; an “other insurer” as that term is defined in 8 V.S.A. § 6020; and an “entity” as that term is defined in 11C V.S.A. § 102.

Sec. 25. REPEAL

8 V.S.A. § 6034e is repealed.

Sec. 26. 8 V.S.A. § 6006(j) is amended to read:

(j) The provisions of chapter 101, subchapters 3 and 3A of this title, pertaining to mergers, consolidations, conversions, mutualizations, redomestications, and mutual holding companies, shall apply in determining the procedures to be followed by captive insurance companies in carrying out any of the transactions described therein, except that:

(1) If the shareholders, members, or policyholders of the captive insurance company have unanimously approved of the merger, the procedures set forth in section 6006a of this title shall apply.

(2) The Commissioner may, upon request of an insurer party to a merger authorized under this subsection, waive the requirement of subdivision 3424(6) of this title.

(2)(3) The Commissioner may waive the requirements for public notice and hearing or, in accordance with rules ~~which~~ that the Commissioner may adopt addressing categories of transactions, modify the requirements for public notice and hearing. If a notice of public hearing is required, but no one requests a hearing ten days before the day set for the hearing, then the Commissioner may cancel the hearing.

(3)(4) The provisions of subsections 3423(f) and (h) of this title shall not apply, and the Commissioner may waive or modify the requirement of subdivision 3423(b)(4) of this title, with respect to market value of a converted company as necessary or desirable to reflect applicable restrictions on ownership of companies formed under this chapter.

(4)(5) An alien insurer may be a party to a merger authorized under this subsection; provided that the requirements for a merger between a captive insurance company and a foreign insurer under section 3431 of this title shall apply to a merger between a captive insurance company and an alien insurer under this subsection. Such alien insurer shall be treated as a foreign insurer

under section 3431 and such other jurisdictions shall be the equivalent of a state for purposes of section 3431.

~~(5)~~(6) The Commissioner may issue a certificate of general good to permit the formation of a captive insurance company that is established for the purpose of consolidating or merging with or assuming existing insurance or reinsurance business from an existing licensed captive insurance company. The Commissioner may, upon request of such newly formed captive insurance company, waive or modify the requirements of subdivisions 6002(c)(1)(B) and (2) of this title.

~~(6)~~(7) The Commissioner may waive or modify application of the provisions of chapter 132 and chapter 101, subchapters 3 and 3A of this title and the provisions of Titles 11, 11A, and 11B in order to permit mergers of a non-insurer subsidiary of a captive insurance company with and into the captive insurance company or another of its subsidiaries without approval of the shareholders, members, or subscribers of such captive insurance company and without making available to the shareholders, members, or subscribers dissenters' rights otherwise made available in such a merger; provided, however, that the board of directors, managers, or subscribers' advisory committee of each of the merging entities shall approve such merger. The Commissioner may condition any such waiver or modification upon a good faith effort by the captive insurance company to provide notice of the merger to its shareholders, members, or subscribers.

Sec. 27. 8 V.S.A. § 6006a is added to read:

§ 6006a. MERGERS

(a) Any captive insurance company meeting the qualifications set forth in subdivision 6006(j)(1) of this title may merge with any other insurer, whether licensed in this State or elsewhere, in the following manner:

(1) The board of directors of each insurer shall, by a resolution adopted by a majority vote of the members of such board, approve a joint agreement of merger setting forth:

(A) the names of the insurers proposed to merge, and the name of the insurer into which they propose to merge, which is hereafter designated as the surviving company;

(B) the terms and conditions of the proposed merger and the mode of carrying the same into effect;

(C) the manner and basis of converting the ownership interests, if applicable, in other than the surviving insurer into ownership interests or other consideration, securities, or obligations of the surviving insurer;

(D) a restatement of such provisions of the articles of incorporation of the surviving insurer as may be deemed necessary or advisable to give effect to the proposed merger; and

(E) any other provisions with respect to the proposed merger as are deemed necessary or desirable.

(2) The resolution of the board of directors of each insurer approving the agreement shall direct that the agreement be submitted to a vote of the shareholders, members, or policyholders, as the case may be, of each insurer entitled to vote in respect thereof at a designated meeting thereof, or via unanimous written consent of such shareholders, members, or policyholders in lieu of a meeting. Notice of the meeting shall be given as provided in the bylaws, charter, or articles of association, or other governance document, as the case may be, of each insurer and shall specifically reflect the agreement as a matter to be considered at the meeting.

(3) The agreement of merger so approved shall be submitted to a vote of the shareholders, members, or policyholders, as the case may be, of each insurer entitled to vote in respect thereof at the meeting directed by the resolution of the board of directors of such company approving the agreement, and the agreement shall be unanimously adopted by the shareholders, members, or policyholders, as the case may be.

(4) Following the adoption of the agreement by any insurer, articles of merger shall be adopted in the following manner:

(A) Upon the execution of the agreement of merger by all of the insurers parties thereto, there shall be executed and filed, in the manner hereafter provided, articles of merger setting forth the agreement of merger, the signatures of the several insurers parties thereto, the manner of its adoption, and the vote by which adopted by each insurer.

(B) The articles of merger shall be signed on behalf of each insurer by a duly authorized officer, in such multiple copies as shall be required to enable the insurers to comply with the provisions of this subchapter with respect to filing and recording the articles of merger, and shall then be presented to the Commissioner.

(C) The Commissioner shall approve the articles of merger if he or she finds that the merger will promote the general good of the State in conformity with those standards set forth in section 3305 of this title. If he or she approves the articles of merger, he or she shall issue a certificate of approval of merger.

(5) The insurer shall file the articles of merger, accompanied by the agreement of merger and the certificate of approval of merger, with the

Secretary of State and pay all fees as required by law. If the Secretary of State finds that they conform to law, he or she shall issue a certificate of merger and return it to the surviving insurer or its representatives. The merger shall take effect upon the filing of articles of merger with the Secretary of State, unless a later effective date is specified therein.

(6) The surviving insurer shall file a copy of the certificate of merger from the Secretary of State with the Commissioner.

(b) When such merger or consolidation has been effected as provided in this section:

(1) The several insurers parties to the agreement of merger shall be a single captive insurance company that shall be the surviving insurer a party to the agreement of merger into which it has been agreed the other insurers parties to the agreement shall be merged, which surviving insurer shall survive the merger.

(2) The separate existence of all of the insurers parties to the agreement of merger, except the surviving captive insurance company, shall cease.

(3) The single captive insurance company shall have all of the rights, privileges, immunities, and powers and shall be subject to all of the duties and liabilities of a captive insurance company organized under this chapter.

(4) The single captive insurance company shall possess all the rights, privileges, immunities, powers, and franchises of a public as well as of a private nature of each of the insurers so merged; and all property, real, personal, and mixed, and all debts due on whatever account, including subscriptions to shares of capital stock, and all other choses in action and all and every other interest, of or belonging to or due to each of the insurers so merged shall be taken and deemed to be transferred to and vested in such single captive insurance company without further act or deed; and the title to any real estate, or any interest therein, under the laws of this State vested in any such insurers shall not revert or be in any way impaired by reason of the merger.

(5) The single captive insurance company shall be responsible and liable for all the liabilities and obligations of each of the insurers so merged in the same manner and to the same extent as if the single insurer had itself incurred the same or contracted therefor; and any claim existing or action or proceeding pending by or against any of the insurers may be prosecuted to judgment as if the merger had not taken place. Neither the rights of creditors nor any liens upon the property of any insurers shall be impaired by the merger, but such liens shall be limited to the property upon which they were liens immediately

prior to the time of the merger unless otherwise provided in the agreement of merger.

(6) The articles of association or other governing document of the surviving captive insurance company shall be supplanted and superseded to the extent, if any, that any provision or provisions of the articles are restated in the agreement of merger as provided in subsection (a) of this section, and such articles of association or other governing document shall be deemed to be thereby and to that extent amended.

(c)(1) In the case of a merger between a domestic and a foreign or alien insurer, the articles of merger shall be regarded as executed by the proper officers of said foreign or alien insurer when such officers are duly authorized to execute same through such action on the part of the directors, shareholders, members, or policyholders, as the case may be, of said foreign or alien insurer as may be required by the laws of the state where the same is incorporated, and upon execution, the articles of merger shall be submitted to the Insurance Commissioner or other officer at the head of the insurance department of the jurisdiction where such foreign or alien insurer is domiciled. No merger shall take effect until it has been approved by the insurance official of the jurisdiction where the foreign or alien insurer is domiciled nor until a certificate of his or her approval has been filed with the Commissioner, provided that such submission to and approval by the proper official of the other jurisdiction shall not be required unless the same are required by the laws of the foreign or alien jurisdiction. Provided, further, that the domestic captive insurance company involved in the merger shall not through anything contained in this section be relieved of any of the procedural requirements enumerated elsewhere in this section.

(2) A merger between a domestic and a foreign or alien captive insurance company shall not take effect unless and until the surviving captive insurance company, if such is a foreign or alien insurer, files with the Commissioner a power of attorney appointing the Commissioner the attorney for service of the foreign or alien insurer, upon whom all lawful process against the insurers may be served. Said power of attorney shall be irrevocable if the foreign or alien insurer has outstanding in this State any contract of insurance, or other obligation whatsoever, and shall by its terms so provide. Service upon the Commissioner shall be deemed sufficient service upon the insurer.

Sec. 28. 8 V.S.A. § 6006b is added to read:

§ 6006b. REDOMESTICATION

(a) Any foreign or alien insurer that qualifies for licensure as a captive insurance company in this State may redomesticate to this State by complying with all of the requirements of law relative to the organization and licensing of a captive insurance company and by filing with the Secretary of State its articles of association, charter, or other organization document, together with appropriate amendments thereto adopted in accordance with the laws of this State bringing such articles of association, charter, or other organizational document into compliance with the laws of this State, along with a certificate of general good issued by the Commissioner and a filing fee per section 3440 of this title. An insurer becoming a domestic captive insurance company through this redomestication process shall pay to the Commissioner such fees as would otherwise be payable by a captive insurance company organizing and becoming licensed or transacting business in this State. The Commissioner may issue a conditional license prior to the effective date of the redomestication in order to facilitate the transaction and provide notice of approval of the transaction to the outgoing jurisdiction. The domestic insurer shall be entitled to the necessary or appropriate certificates and licenses to continue its business and to transact business in this State and shall be subject to the authority and jurisdiction of this State. No insurer redomesticating into this State as a captive insurance company need merge, consolidate, transfer assets, or otherwise engage in any other reorganization, other than as specified in this section.

(b) Upon the approval of and compliance with such conditions as may be imposed by the Commissioner, any captive insurance company may transfer its domicile, in accordance with the laws thereof, to any other state or jurisdiction and upon such a transfer shall cease to be a domestic captive insurance company, and its corporate or other legal existence in this State shall cease upon the filing of articles of redomestication with the Secretary of State, or upon such later date if a delayed effective date is specified in the articles of redomestication, accompanied by a certificate of approval of redomestication issued by the Commissioner and proof of acceptance of the insurer by the Secretary of State or analogous officer of the jurisdiction to which the captive insurance company is redomesticating, and upon payment to the Secretary of State of a filing fee per section 3438 of this title. Said articles of redomestication shall contain, at a minimum, the following information:

(1) the name, organizational form, date of formation, and jurisdiction of formation of the redomesticating entity;

(2) the jurisdiction to which the redomesticating entity will be transferring its domicile and its name following the redomestication date;

(3) the registered office and agent of the redomesticating entity following the redomestication date; and

(4) a statement that the redomestication has been approved by the appropriate vote of the shareholders or other owners of the redomesticating entity.

(c) Upon redomestication in accordance with this section, the foreign or alien insurer shall become a captive insurance company organized under the laws of this State and have all the rights, privileges, immunities, and powers, and be subject to all applicable laws, duties, and liabilities, of domestic insurers of the same type. Such captive insurance company shall possess all rights that obtained prior to the redomestication to the extent permitted by the laws of this State and shall be responsible and liable for all the liabilities and obligations that obtained prior to the redomestication. The certificate of authority, agents, appointments and licenses, rates, and other items that the Commissioner allows, in his or her discretion, that are in existence at the time any insurer transfers its corporate domicile to this or any other state or jurisdiction by redomestication pursuant to this section shall continue in full force and effect upon such transfer. All outstanding policies of any transferring insurer shall remain in full force and effect.

Sec. 29. 8 V.S.A. § 6053(1) is amended to read:

(1) Notice of operations and designation of ~~Secretary of State Commissioner~~ as agent. Before offering insurance in this State, a risk retention group shall submit to the Commissioner:

(A) a statement identifying the state or states in which the risk retention group is chartered and licensed as a liability insurance company, charter date, its principal place of business, and such other information, including information on its membership, as the Commissioner of this State may require to verify that the risk retention group is qualified under subdivision 6051(11) of this title;

(B) a copy of its plan of operations and feasibility study and revisions of such plan or study submitted to the state in which the risk retention group is chartered and licensed; provided, however, that the provision relating to the submission of a plan of operation or feasibility study shall not apply with respect to any line or classification of liability insurance which:

(i) was defined in the Product Liability Risk Retention Act of 1981 before October 27, 1986; and

(ii) was offered before such date by any risk retention group which had been chartered and operating for not less than three years before such date; and

(iii) the risk retention group shall submit a copy of any revision to its plan of operation or feasibility study required by subsection 6052(b) of this title at the time that such revision has become effective in its chartering state; and

(C) a statement of registration, for which a filing fee shall be determined by the Commissioner, which designates the ~~Secretary of State Commissioner~~ as its agent for the purpose of receiving service of legal documents or process.

* * *

Sec. 30. 8 V.S.A. § 6056(b) is amended to read:

(b) The purchasing group shall register with and designate the ~~Secretary of State Commissioner~~ as its agent solely for the purpose of receiving service of legal documents or process, except for any groups exempted under 15 U.S.C. § 3903(e). Service shall be effected in the manner provided in section 3383 of this title.

Sec. 31. 8 V.S.A. chapter 110 is added to read:

CHAPTER 110. DENTAL INSURANCE

§ 4121. DEFINITIONS

As used in this chapter:

(1) “Covered individual” means an individual covered under a dental insurance plan or a health insurance plan.

(2) “Covered service” means a dental service for which reimbursement is available under a covered individual’s dental insurance plan or health insurance plan or for which reimbursement would be available but for the application of contractual limitations such as deductibles, co-payments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or other limitations.

(3) “Dental insurance plan” means a stand-alone dental plan or policy that provides coverage for dental services separately from a health insurance plan.

(4) “Dental insurer” means any health or dental insurance company, including a nonprofit dental service corporation, that offers a dental insurance plan for sale.

(5) “Dentist” means an individual licensed to practice dentistry under 26 V.S.A. chapter 12.

(6) “Health insurance plan” means any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer. The term does not include benefit plans providing coverage for a specific disease or other limited benefit coverage.

(7) “Health insurer” has the same meaning as in 18 V.S.A. § 9402.

§ 4122. FEES FOR COVERED DENTAL SERVICES

(a) No dental insurer, health insurer, or other similar entity that covers dental services and is subject to regulation by the Department of Financial Regulation, and no contract or participating provider agreement with a dentist, shall require, directly or indirectly, that a dentist who is a participating provider provide dental services to a covered individual at a fee set by, or subject to the approval of, the insurer or other regulated entity unless the dental services are covered services.

(b) No person providing third-party administrator services shall make available to any customers a plan that sets dental fees for providers in its provider network for any dental services other than covered services.

(c) Fees for covered services shall be set in good faith and shall not be nominal.

(d) The Commissioner of Financial Regulation shall enforce the provisions of this section pursuant to the Commissioner’s authority under this title.

Sec. 32. 18 V.S.A. § 9422 is added to read:

§ 9422. CREDIT CARD PAYMENTS OPTIONAL FOR PROVIDERS

(a) As used in this section:

(1) “Credit card payment” means a type of electronic funds transfer in which a health insurer or its contracted vendor issues a single-use series of numbers associated with payment for health care services delivered by a health care provider and chargeable for a predetermined dollar amount and in which the health care provider is responsible for processing the payment using a credit card terminal or Internet portal. The term includes virtual or online credit card payments in which no physical credit card is presented to the health care provider and the single-use credit card number expires upon payment processing.

(2) “Health care provider” has the same meaning as in section 9402 of this title.

(3) “Health insurer” means an insurance company that provides health insurance as defined in 8 V.S.A. § 3301(a)(2), a nonprofit hospital or medical service corporation, a managed care organization, a health maintenance organization, and, to the extent permitted under federal law, any administrator of an insured, self-insured, or publicly funded health care benefit plan offered by a public or private entity, as well as any entity offering a policy for specific disease, accident, injury, hospital indemnity, dental care, disability income, long-term care, or other limited benefit coverage.

(b) A health insurer or its contracted vendor shall not require a health care provider, including a dentist or ambulance service provider, to accept reimbursement by credit card payment unless the health care provider has affirmatively elected to receive payments in this manner. If a health care provider, including a dentist or ambulance service provider, does not affirmatively elect to receive reimbursement by credit card payment, the health insurer or its contracted vendor shall make payments to the provider in another manner.

Sec. 33. 8 V.S.A. § 3750(d)(1)(C)(iii) is amended to read:

(iii) Where the resulting interest rate is not less than ~~one~~ 0.15 percent.

Sec. 34. EFFECTIVE DATES; APPLICATION

This act shall take effect on passage, except that Sec. 31 shall take effect on January 1, 2022 and shall apply to all contracts and participating provider agreements between a dental insurer or third-party administrator and a dentist that are entered into on or after that date and to all dental insurance plans issued on and after January 1, 2022 on such date as a dental insurer offers, issues, or renews the plan, but in no event later than January 1, 2023.

Rep. Till of Jericho, for the Committee on Ways and Means, 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 Calendar for Notice, was taken up, and read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Commerce and Economic Development?, **Reps. Marcotte of Coventry, Kimbell of Woodstock, Jerome of Brandon, Nicoll of Ludlow, Nigro of Bennington, Seymour of**

Sutton, and White of Bethel moved to amend the proposal of amendment as recommended by the Committee on Commerce and Economic Development as follows:

First: By adding Sec. 33a to read as follows:

Sec. 33a. REPORT; MINIMUM NONFORFEITURE INTEREST RATE

On or before January 15, 2022, the Commissioner of Financial Regulation shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Finance a report containing his or her findings and recommendations regarding Sec. 33 of this act, which decreases the current statutory minimum nonforfeiture interest rate applicable to individual deferred annuities from 1 percent to 0.15 percent.

Second: By striking out Sec. 34, effective dates; application, in its entirety and inserting in lieu thereof a new Sec. 34 to read as follows:

Sec. 34. EFFECTIVE DATES; APPLICATION

This act shall take effect on passage, except that:

(1) Sec. 31 (8 V.S.A. chapter 110; dental insurance) shall take effect on January 1, 2022 and shall apply to all contracts and participating provider agreements between a dental insurer or third-party administrator and a dentist that are entered into on or after that date and to all dental insurance plans issued on and after January 1, 2022 on such date as a dental insurer offers, issues, or renews the plan, but in no event later than January 1, 2023;

(2) Sec. 32 (18 V.S.A. § 9422; credit card payments optional for providers) shall take effect on January 1, 2022; and

(3) Sec. 33 (8 V.S.A. § 3750(d)(1)(C)(iii); minimum nonforfeiture interest rate for individual deferred annuities) shall take effect on July 1, 2022.

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Commerce and Economic Development, as amended?, **Reps. Donahue of Northfield, Black of Essex, Burrows of West Windsor, Cordes of Lincoln, Goldman of Rockingham, Houghton of Essex, Lippert of Hinesburg, Page of Newport City, and Peterson of Clarendon** moved to further amend the proposal of amendment as recommended by the Committee on Commerce and Economic Development, as amended, by adding a new section to be Sec. 34 to read as follows:

Sec. 34. SEPARATING THE INDIVIDUAL AND SMALL GROUP

HEALTH INSURANCE MARKETS FOR PLAN YEAR 2022

(a) Purpose. The purpose of this section is to allow for separate individual and small group health insurance markets for plan year 2022 in light of the increased opportunities for federal premium assistance available through the American Rescue Plan Act of 2021, Pub. L. No. 117-2, to eligible households purchasing qualified health benefit plans in the individual market.

(b) Definitions. As used in this section, “health benefit plan,” “registered carrier,” and “small employer” have the same meanings as in 33 V.S.A. § 1811.

(c) Separate plans and community rating. Notwithstanding any provision of 33 V.S.A. § 1811 to the contrary, for plan year 2022, a registered carrier shall:

(1) offer separate health benefit plans to individuals and families in the individual market and to small employers in the small group market;

(2) apply community rating in accordance with 33 V.S.A. § 1811(f) to determine the premiums for the carrier’s plan year 2022 individual market plans separately from the premiums for its small group market plans; and

(3) file premium rates with the Green Mountain Care Board pursuant to 8 V.S.A. § 4062 separately for the carrier’s individual market and small group market plans.

and by renumbering the remaining section to be numerically correct

Which was agreed to. Thereupon, the report of the Committee on Commerce and Economic Development, as amended, was agreed to, and third reading was ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was placed in all remaining stages of passage. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

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

**Amendment Offered Prior to Third Reading; Amendment Divided;
Consideration Interrupted**

H. 175

House bill, entitled

An act relating to the beverage container redemption system

Was taken up and, pending third reading of the bill, **Rep. Morris of Springfield** moved to amend the bill in Sec. 1, 10 V.S.A. chapter 53, as follows:

First: In section 1521, in subdivision (1), after “and plant-based beverages.” and before “As of January 1, 1990,” by inserting the following:

“Beverage” does not include nonalcoholic cider produced on a farm subject to the Required Agricultural Practices.

Second: In section 1524, in subsection (d), in the second sentence, after “by the manufacturer” and before the period by inserting “or the distributor”

Thereupon, **Rep. Harrison of Chittenden** asked that the question, Shall the bill be amended as offered by Rep. Morris of Springfield?, be divided and that the first instance of amendment be considered separately from the second instance of amendment.

Pending the question, Shall the bill be amended as offered by Rep. Morris of Springfield in the first instance of amendment?, **Rep. Harrison of Chittenden** moved to amend the first instance of amendment, following “cider” by striking out “produced on a farm subject to the Required Agricultural Practices”

Recess

At eleven o'clock and nine minutes in the forenoon, the Speaker declared a recess until the fall of the gavel so that the Committee on Natural Resources, Fish, and Wildlife could consider the proposed amendment.

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

Consideration Resumed; Bill Amended; Third Reading; Bill Passed

H. 175

Consideration resumed on House bill, entitled

An act relating to the beverage container redemption system

Thereupon, the question, Shall the House amend the first instance of amendment offered by Rep. Morris of Springfield, as offered by Rep. Harrison of Chittenden?, was agreed to. Thereafter, the question, Shall the bill be amended as offered by Rep. Morris of Springfield, in the first instance of amendment, as amended?, was agreed to.

Thereupon, the second instance of amendment offered by Rep. Morris of Springfield was agreed to.

Rep. Gregoire of Fairfield moved to further amend the bill as follows:

In Sec. 1, 10 V.S.A. chapter 53, in section 1521, by striking out subdivision (3) in its entirety and inserting in lieu thereof the following:

(3)(A) “Container” means the individual, separate, bottle, can, jar, or carton composed of glass, metal, paper, plastic, or any combination of those materials and containing a consumer product. For the purposes of noncarbonated water or nonalcoholic noncarbonated drinks, a container shall be less than 46 ounces in size.

~~(B) This definition shall~~ “Container” does not include:

(i) containers made of biodegradable material; or

(ii) containers made of material that is not readily recyclable in the State as determined by the Secretary of Natural Resources.

Which was disagreed to on a vote by division,: Yeas, 51; Nays, 83.

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

**Proposal of Amendment Agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 53

Senate bill, entitled

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

Was taken up and, pending third reading of the bill, **Rep. Kornheiser of Brattleboro** moved to amend the House's proposal of amendment as follows:

That after passage the title of the bill be amended to read: “An act relating to tax changes affecting corporations, menstrual products, military retirement income, prewritten computer software, and investment security company fees”

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Adjournment

At twelve o'clock and nine minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 20, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 23.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 42

House concurrent resolution in memory of Lawrence B. Myott of Franklin, Vermont's "Mr. Maple" and former Vergennes City Councillor

H.C.R. 43

House concurrent resolution honoring former Montpelier Mayor John Hollar for his exemplary civic and community leadership

H.C.R. 44

House concurrent resolution congratulating the Vermont Student Assistance Corporation on the 30th anniversary of its TRIO Educational Opportunity Center of 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 2021, seventy-sixth Biennial session.]

Tuesday, April 20, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Patt of Worcester.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 45

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 considered a bill originating in the House of the following title:

H. 154. An act relating to the failure of municipal officers to accept office.
And has passed the same in concurrence.

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

S. 18. An act relating to limiting earned good time sentence reductions for offenders convicted of certain crimes.

And has concurred therein.

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

H.C.R. 42. House concurrent resolution in memory of Lawrence B. Myott of Franklin, Vermont's "Mr. Maple" and former Vergennes City Councillor.

H.C.R. 43. House concurrent resolution honoring former Montpelier Mayor John Hollar for his exemplary civic and community leadership.

H.C.R. 44. House concurrent resolution congratulating the Vermont Student Assistance Corporation on the 30th anniversary of its TRIO Educational Opportunity Center of Vermont.

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 17th day of April, 2020, *he allowed to become law without his signature a bill* originating in the House of the following title:

H. 315 An act relating to COVID-19 relief

Governor's Letter

“April 17, 2021
The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
115 State Street
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, H.315, *An Act Relating to Covid-19 Relief*, will become law without my signature for the reasons stated herein.

H.315 started as a smart spending bill – about \$62 million in total – to fund urgent pandemic needs, including business recovery grants that were a top priority in the budget adjustment proposal I proposed in January. The need was there in January and is still urgent today.

Over the two months it took the Legislature to pass H.315, it evolved into something much larger and more complex.

To the Legislature's credit, the bill includes some valuable relief for Vermonters, including:

- \$47 million for budget initiatives I put forward, including economic aid to businesses, housing to immediately address emergency needs, brownfield remediation and environmental clean-up and VOREC community grants.
- \$5 million for foreclosure prevention.
- \$7.64 million for mental health services, recovery centers, New Americans, refugees and immigrants, and grants to Reach-Up participants.
- Linking to federal income taxes for tax year 2020, which will exempt the first \$10,200 of unemployment insurance income, as well as Paycheck Protection Program forgiven loan funds.

For these reasons, I'm allowing H.315 to become law.

Unfortunately, I cannot sign this bill because it includes policy and spending choices that suggest we have very different opinions about how best to deploy the federal recovery and economic stimulus funding.

As a result, I want to be clear: I feel *very* strongly that we need to invest federal American Rescue Plan Act (ARPA) money in a truly strategic and fully transparent way, preferably in a single piece of legislation. These investments should be in tangible infrastructure that provide the greatest economic benefits and will truly transform our economy – especially in the parts of the state that need it most. I will not support a piecemeal or diluted approach to the investment of ARPA funds.

We must not squander this unprecedented opportunity to transform the economy of our state. If we work together, we can make historic investments in climate change mitigation, water and sewer infrastructure, universal broad band, housing and more. All these investments, if planned and supported wisely, will be something we can point to as the silver-lining of this pandemic. We must not forgo the opportunity to maximize the benefit of this federal money simply because the federal timing did not align with the traditional legislative calendar or process. That would be profoundly shortsighted.

Similarly, I also feel strongly that the Legislature should reverse its decision to insert, at the last minute, a new and punitive tax liability on federal PPP loans. These forgivable loans were issued to help employers survive this pandemic and preserve jobs. And our businesses have applied for these loans with the understanding they would not be taxed. In addition, Senator Leahy's office has confirmed that these resources were never intended to be taxed. The Legislature should be at their side, helping them up. Not on their back, trying to raise yet more in taxes.

I encourage the Legislature to take these concerns seriously – as they reflect core priorities that I will want to see reflected in the budget and other legislation as we move toward adjournment.

More specifically, rather than act quickly on H.315 with available state funds and federal Coronavirus Relief Funds – and without allowing for a transparent, tangible and transformative approach to investing \$1 billion in federal American Rescue Plan Act (ARPA) funds – the Legislature chose to hastily deploy \$59 million of ARPA funds unnecessarily. The initiatives in H.315 are not bad investments, but they should not be funded with ARPA money. Again, we owe it to Vermonters to spend the ARPA funds in a transparent way, preferably through a single spending bill, so Vermonters can easily understand the investments and can verify that the Legislature is maximizing the value of every penny to strengthen the economy in every county and every community.

In addition to unnecessarily expending ARPA funds, H.315 also spends about \$4 million in Elementary and Secondary School Emergency Relief (ESSER) funds. Congress explicitly appropriated this money to the Vermont Agency of Education. In H.315, the Legislature added their approval as an additional requirement. This will prevent the Agency from moving quickly to meet the needs of our children. The fact is our kids are not doing okay in the hybrid learning environment and they should not have to wait for the Legislature's appropriations process.

The need for flexibility should be apparent and the expertise and judgment of the professionals at the Agency ought to be respected, not micro-managed. I intend to use all the tools at my disposal to take advantage of these grants.

Again, I want to underscore how strongly I feel about the need for an agreement between the House, Senate, and the Administration on how to spend ARPA funds. This should come *before* any additional funds are expended. I also want to reiterate that I do not support deploying these funds in a piecemeal fashion across a hodgepodge of bills and programs. These funds are meant to expedite recovery, revitalize our economy, and make a

difference in the lives of Vermonters well into the future. They are not to provide short-term, unsustainable band aids for complicated issues or plug ongoing budget holes.

In conclusion, because this bill contains urgently needed funds for Vermonters, I am allowing it to become law. But the Legislature should take note that I will not support any additional, unnecessary, or unwise use of ARPA or ESSER funding. I urge the Legislature to work with me to take a more collaborative, transparent, and strategic approach to allocating the remaining ARPA funds and maximizing the transformative economic benefits of these once-in-a-lifetime funds for Vermonters.

Sincerely,

Philip B. Scott
Governor
PBS/kp”

House Bill Introduced

H. 450

By Reps. Ode of Burlington, Hooper of Burlington, and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to stipends for the care of guide, signal, and service animals

Was read the first time and referred to the Committee on Human Services.

Bill Referred to Committee on Appropriations

S. 16

Senate bill, entitled

An act relating to the creation of the Task Force on School Exclusionary Discipline Reform

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Bill Referred to Committee on Ways and Means

S. 102

Senate bill, entitled

An act relating to the regulation of agricultural inputs for farming

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

Joint Resolution Referred to Committee

J.R.H. 9

Joint resolution urging Congress to support statehood for the Commonwealth of Puerto Rico

Offered by: Representative Copeland Hanzas of Bradford

Whereas, on July 25, 1898, during the Spanish–American War, U.S. military forces invaded the Spanish colony of Puerto Rico, and

Whereas, pursuant to the Treaty of December 1898, which ended the conflict, Spain ceded Puerto Rico to the United States, and

Whereas, the Constitution of Puerto Rico, adopted in 1952, resulted in the jurisdiction’s designation as a commonwealth, and

Whereas, in 1917, the Jones–Shafroth Act granted Puerto Ricans U.S. citizenship, but unless they move to the mainland they are unable to vote in U.S. presidential elections, and

Whereas, despite its having a population of over 3 million, representation for the Commonwealth of Puerto Rico in the U.S. House of Representatives is restricted to a single Resident Commissioner, who, unlike the representatives of the states, is prohibited from voting on legislation on the floor of the House, and the Commonwealth has no representation in the U.S. Senate, and

Whereas, discussion of possible statehood for the Commonwealth has occurred since the 1930s, and

Whereas, Puerto Ricans’ dissatisfaction with the federal response to the massive devastation and approximately 3,000 deaths resulting from Hurricane Maria in 2017 and the still-unsettled bankruptcy of the Puerto Rico Electric Power Authority have intensified the debate surrounding possible statehood, and

Whereas, although Puerto Ricans pay federal payroll taxes, their access to the services those taxes finance, including Medicaid, Supplemental Security Income, Supplemental Nutrition Assistance, and the Earned Income Tax Credit is not equivalent to the extent afforded in the states, and

Whereas, in 2012 and 2017, a majority of the voters in Puerto Rico favored a political status other than the Commonwealth, and a majority of this subset of the electorate supported statehood, and

Whereas, in a November 2020 referendum, 52.52 percent of voters in Puerto Rico supported Puerto Rico's immediate admittance as the nation's 51st state, and

Whereas, in March 2021, U.S. Rep. Darren Soto of Florida and Puerto Rico's Resident Commissioner Jenniffer Gonzalez introduced H.1522, the Puerto Rico Statehood Admissions Act, and Senator Martin Heinrich of New Mexico has introduced S.780, a comparable bill, in the Senate, and

Whereas, statehood would provide the Commonwealth of Puerto Rico equal legal and political status with the 50 states, including full voting representation in the U.S. House and U.S. Senate, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to support statehood for the Commonwealth of Puerto Rico, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the U.S. Resident Commissioner for Puerto Rico and the Vermont Congressional Delegation.

Was read by title only and, in the Speaker's discretion pursuant to Rule 52, treated as bill, and referred to the Committee on Government Operations.

**Committee Relieved of Consideration
and Bill Recommitted to Original Committee**

S. 114

Rep. Scheu of Middlebury moved that the Committee on Appropriations be relieved of House bill, entitled

An act relating to improving prekindergarten through grade 12 literacy within the State

And that the bill be recommitted to the Committee on Education, which was agreed to.

Adjournment

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

Wednesday, April 21, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

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 twenty-first day of April, 2021, he signed bills originating in the House of the following titles:

H. 149 An act relating to modernizing statutes related to the Vermont National Guard

H. 338 An act relating to reapportionment proposal deadlines

Message from the Senate No. 46

A message was received from the Senate by Mr. Marshall, 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. 24. Joint resolution relating to amending temporary Joint Rule 22A.

J.R.S. 25. Joint resolution relating to weekend adjournment.

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

House Bill Introduced**H. 451**

By Rep. Colston of Winooski,

House bill, entitled

An act relating to creation of the Pension Oversight Board

Was read the first time and referred to the Committee on Government Operations.

Senate Bills Referred to Committee on Appropriations

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying appropriations, the following Senate bills were referred to the Committee on Appropriations:

S. 114

Senate bill, entitled

An act relating to improving prekindergarten through grade 12 literacy within the State

S. 115

Senate bill, entitled

An act relating to making miscellaneous changes in education laws

Joint Resolution Placed on Calendar**J.R.S. 24**

By Senator Balint,

J.R.S. 24. Joint resolution relating to amending temporary Joint Rule 22A.

Temporary Joint Rule 22A is amended to read as follows:

Rule 22A Emergency Rule Regarding Joint Committee Meetings

(a) The Joint Rules Committee is vested with the authority to permit any joint committees of the Vermont Legislature (including itself and Conference Committees) to meet and vote electronically as the Joint Rules Committee determines appropriate. If necessary, the Joint Rules Committee may make this authorization remotely in conformity with this Rule.

(b) The authority of the Joint Rules Committee under this Rule 22A terminates upon the ~~expiration of the Executive's Declared Emergency~~ later of: (1) the termination of the Governor's Declaration of a State of Emergency in Response to COVID-19; or (2) January 7, 2022.

Was read and, under Rule 33, placed on the Calendar for Action on the next legislative day.

Joint Resolution Adopted in Concurrence**J.R.S. 25**

By Senator Balint,

J.R.S. 25. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 23, 2021, it be to meet again no later than Tuesday, April 27, 2021.

Was taken up, read, and adopted in concurrence.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered****S. 45**

Rep. Dolan of Essex, for the Committee on Corrections and Institutions, to which had been referred Senate bill, entitled

An act relating to earned discharge from probation

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 28 V.S.A. § 200 is added to read:

§ 200. PURPOSE OF PROBATION

It is the policy of this State that the purpose of probation is to rehabilitate offenders, reduce the risk that they will commit a subsequent offense, and protect the safety of the victim and the community.

Sec. 2. 28 V.S.A. § 205(b) is amended to read:

(b)(1) At or before the sentencing hearing, the prosecutor's office shall inform the victim of the mid-point review process for probationers, and that the defendant may be eligible for early discharge from probation pursuant to sections 251 and 252 of this title.

(2) The victim of a listed crime as defined in 13 V.S.A. § 5301(7) for which the offender has been placed on probation shall have the right to request and receive from the Department of Corrections information regarding the offender's general compliance with the specific conditions of probation. Nothing in this section shall require the Department of Corrections to disclose any confidential information revealed by the offender in connection with participation in a treatment program.

Sec. 3. 28 V.S.A. § 251 is amended to read:

§ 251. DURATION OF PROBATION

(a) The court placing a person on probation may terminate the period of probation and discharge the person at any time if such termination is warranted by the conduct of the offender and the ends of justice.

(b)(1) Upon the Commissioner's motion to discharge pursuant to subsection 252(d) of this title, the sentencing court shall terminate the period of probation and discharge the person at the midpoint of the probation term unless the prosecutor seeks a continuation of probation within 21 days of receipt of notice of the Commissioner's motion; and

(A) the court finds by a preponderance of the evidence that termination and discharge will present a risk of danger to the victim of the offense or to the community; or

(B) the court finds by clear and convincing evidence that the probationer is not substantially in compliance with the conditions of probation that are related to the probationer's rehabilitation or to victim or community safety.

(2) If the court grants the prosecutor's motion to continue probation, it may continue probation for the full term or any portion thereof. The court shall also review the conditions of probation and remove any conditions that are no longer necessary for the remainder of the term.

(c) A probationer shall not be deemed ineligible for discharge or term reduction due to unpaid restitution, fees, or surcharges.

Sec. 4. 28 V.S.A. § 252 is amended to read:

§ 252. CONDITIONS OF PROBATION AND MIDPOINT REVIEW

(a) Conditions, generally. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the offender will lead a law-abiding life or to assist the offender to do so. The court shall provide as an explicit condition of every sentence to probation that if the offender is convicted of another offense during the period for which the sentence remains subject to revocation, then the court may impose revocation of the offender's probation.

(b) Probation conditions. When imposing a sentence of probation, the court may, as a condition of probation, require that the offender:

* * *

(c) Certificate. When an offender is placed on probation, he or she shall be given a certificate explicitly setting forth the conditions upon which he or she is being released.

(d) Review and recommendation for discharge.

(1) The Commissioner shall review the record of each probationer serving a specified term during the month prior to the midpoint of that probationer's specified term and may shall file a motion requesting the

sentencing court to dismiss the probationer from probation or ~~deduct a portion of the specified term from the period of probation~~ if the offender:

(A) has successfully completed a program or has attained a goal or goals specified by the conditions of probation not been found by the court to have violated the conditions of probation in the six months prior to the review;

(B) is not serving a sentence for committing a crime specified in 13 V.S.A. chapter 19, subchapters 6 and 7; 13 V.S.A. chapter 72, subchapter 1; or 13 V.S.A. § 2602; and

(C) has completed those rehabilitative or risk reduction services required as a condition of probation which have a duration that is set and knowable at the outset of probation.

~~The Commissioner may include in the motion a request that the court deduct a portion of the specified term for each condition completed or goal attained. Any motion under this section shall be made pursuant to a rule adopted by the Commissioner under 3 V.S.A. chapter 25 that shall provide that the decision to make or refrain from making a motion shall be made at the sole discretion of the Commissioner and shall not be subject to appeal.~~

(2) If the probationer does not meet the criteria set forth in subdivision (1) of this subsection, or if the court denies the Commissioner's motion to discharge, the Commissioner shall file a motion requesting the sentencing court to discharge the probation term once the probationer meets the criteria set forth in subdivision (1) of this subsection.

(3) The prosecutor shall make a reasonable effort to notify any victim of record of a motion filed to reduce a probationer's term pursuant to this subsection. "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.

Sec. 5. DEPARTMENT OF CORRECTIONS; PROBATION MIDPOINT

REVIEW; REPORT

(a) Beginning on July 1, 2021, the Department of Corrections shall collect the following data regarding the probation midpoint review process:

(1) the number of probation discharge or probation term reduction motions filed by the Department;

(2) the number of probation terms that were reduced or terminated pursuant to this Act; and

(3) the amount of time reduced from probation terms as a result of probation term reduction motions granted by the court.

(b) On or before August 1, 2022 and August 1, 2023, the Department shall report to the Joint Legislative Justice Oversight Committee with the data collected pursuant to this section and any recommendations for further legislative action to improve the probation midpoint review process.

Sec. 6 SENTENCING COMMISSION; PROBATION TERMS FOR
MISDEMEANORS

During the 2021 legislative interim, the Vermont Sentencing Commission shall review 28 V.S.A. § 205 and the December 3, 2020 report of the Pew Charitable Trusts, “States Can Shorten Probation and Protect Public Safety,” and consider whether Vermont should limit the duration of probation terms for misdemeanor offenses to two years. On or before October 1, 2021, the Commission shall issue its recommendation pursuant to this section to the Joint Legislative Justice Oversight Committee.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

Adjournment

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

Thursday, April 22, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Third Reading; Bill Passed in Concurrence With Proposal of Amendment

S. 45

Senate bill, entitled

An act relating to earned discharge from probation

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

Second Reading; Bill Amended; Third Reading Ordered

H. 265

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

An act relating to the Office of the Child Advocate

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

Sec. 1. 33 V.S.A. chapter 32 is added to read:

CHAPTER 32. OFFICE OF THE CHILD, YOUTH, AND FAMILY
ADVOCATE

§ 3201. DEFINITIONS

As used in this chapter:

(1) “Child, Youth, and Family Advocate” or “Advocate” means an individual who leads the Office of the Child, Youth, and Family Advocate.

(2) “Department” means the Department for Children and Families.

(3) “Office” means the Office of the Child, Youth, and Family Advocate.

(4) “State agency” means any office, department, board, bureau, division, agency, or instrumentality of the State.

§ 3202. OFFICE OF THE CHILD, YOUTH, AND FAMILY ADVOCATE

(a) There is established the Office of the Child, Youth, and Family Advocate for the purpose of advancing the interests and welfare of Vermont’s children and youths receiving services from the Department in a manner that addresses racial and social equity, including providing transparent and impartial oversight of the child protection and juvenile justice systems and promoting reforms necessary to better serve Vermont’s children, youths, and families. The Office shall act independently of any State agency in the performance of its duties.

(b) The Office shall:

(1) work in collaboration with relevant parties to strengthen the Department’s services for children, youths, and families;

(2) analyze and monitor the development and implementation of federal, State, and local laws, regulations, and policies relating to child, youth, and family welfare and recommend changes when appropriate;

(3) review systemic issues in the Department's provision of services to children and youths that may exist and complaints concerning the actions of the Department and of any entity that provides services to children, youths, and families through funds provided by the Department; make appropriate referrals; and investigate those complaints where the Advocate determines that a child, youth, or family may be in need of assistance from the Office;

(4) support children, youths, and families by providing information about recipients' rights and responsibilities related to Departmental services;

(5) review current systems to determine to what extent children and youths placed in the custody of the Department or who are receiving services under the supervision of the Department receive humane and dignified treatment at all times, including consideration by the Advocate as to what extent the system protects and enhances the child's or youth's personal dignity, right to privacy, and right to appropriate health care and education in accordance with State and federal law;

(6) provide systemic information concerning child, youth, and family welfare to the public; the Governor; State agencies, legislators; and others, as necessary;

(7) notwithstanding 2 V.S.A. § 20(d), submit to the General Assembly and the Governor on or before December 1 of each year a report addressing services provided by the Department, including:

(A) the quality of services provided to children, youths, and families;

(B) the conditions of placements for Vermont's children and youths;

(C) systemic findings related to services for and assistance to children, youths, and families within the child protection and juvenile justice systems;

(D) recommendations related to improving services for children, youths, and families; and

(E) data disaggregated by race, ethnicity, gender, geographic location, disability status, and any other categories that the Advocate deems necessary; and

(8) address any challenges accessing information or records that are necessary for carrying out the provisions of this chapter.

§ 3203. CHILD, YOUTH, AND FAMILY ADVOCATE

(a) The Office shall be directed by the Child, Youth, and Family Advocate, an individual who shall be qualified by reason of education, expertise, and experience and who may have a professional degree in law, social work, public health, or a related field. The Child, Youth, and Family Advocate shall serve on a full-time basis and shall be exempt from classified service.

(b)(1) The Oversight Commission on Children, Youths, and Families established pursuant to section 3210 of this chapter shall recommend qualified applicants for the position of the Child, Youth, and Family Advocate to the Governor for consideration. Subject to confirmation by the Senate, the Governor shall appoint an Advocate from among those applicants recommended by the Oversight Commission for a term of four years. The appointment for Advocate shall be made without regard to political affiliation and on the basis of integrity and demonstrated ability. The Advocate shall hold office until reappointed or until a successor is appointed.

(2) The Governor, upon a majority vote of Oversight Commission, may remove the Child, Youth, and Family Advocate for cause, which includes only neglect of duty, gross misconduct, conviction of a crime, or inability to perform the responsibilities of the Office. The Governor's reason for removing the Advocate shall be published electronically on the website of the Office of the Child, Youth, and Family Advocate, and the Speaker of the House and President Pro Tempore shall simultaneously receive notification. Any vacancy shall be filled by the appointment process set forth in subdivision (1) of this subsection for the remainder of the unexpired term.

(c) The Child, Youth, and Family Advocate shall appoint a Deputy Child, Youth, and Family Advocate, whose duties shall be performed at the direction of the Advocate.

(d) Upon any vacancy in the position of the Advocate, and until such time as a replacement is appointed and confirmed, the Deputy Child, Youth, and Family Advocate shall serve as the acting Child, Youth, and Family Advocate. The acting Child, Youth, and Family Advocate shall have the full responsibilities of the Advocate and shall be entitled to the same compensation as the outgoing Child, Youth, and Family Advocate.

§ 3204. CHILD, YOUTH, AND FAMILY ADVISORY COUNCIL

(a) Purpose and membership. The Child, Youth, and Family Advocate shall appoint and convene an Advisory Council composed of nine stakeholders who have been impacted by child welfare services provided by the Department for Children and Families. The Advisory Council's membership shall reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color, as well as with

regard to socioeconomic status, geographic location, gender, sexual identity, and disability status. Members shall provide advice and guidance to the Office of the Child, Youth, and Family Advocate regarding the routine administration and operation of the Office, including providing advice and guidance to the Advocate upon request.

(b) Meetings.

(1) The Advocate shall call the first meeting of the Advisory Committee to occur on or before March 15, 2022.

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

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

(4) The Advisory Committee shall cease to exist on July 1, 2028.

(c) Confidentiality. In seeking the advice and guidance of the Advisory Council, the Child, Youth, and Family Advocate shall not disclose to the Advisory Council, or any member thereof, individually identifiable information about a child or youth unless the information is already known to the public.

(d) Compensation. Members of the Advisory Council 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 annually. These payments shall be made from monies appropriated to the Office.

§ 3205. INCIDENTS AND FATALITIES

(a) The Department shall provide the Office with a copy of all reports related to actual physical injury to children or youths in the custody of the Commissioner or a significant risk of such harm.

(b) The Department shall provide the Office with a written report within 48 hours of:

(1) any fatality of a child or youth in its custody; and

(2) the restraint or seclusion of any child or youth in its custody.

§ 3206. ACCESS TO INFORMATION AND FACILITIES

(a) Notwithstanding any other provision of law, the Child, Youth, and Family Advocate and the Deputy Advocate shall, upon request, have timely access, including the right to inspect and copy, to any records necessary to carry out the provisions of this chapter, including relevant records produced and held by State entities and third parties.

(b) The Child, Youth, and Family Advocate and Deputy Advocate may communicate privately and visit with any child or youth who is in the custody of the Department. The Advocate or Deputy Advocate shall obtain the consent of a parent or guardian prior to communicating or visiting with a child or youth who is not in the custody of the Department.

(c) Facilities and providers delivering services to children and youths shall permit the Child, Youth, and Family Advocate or the Deputy Advocate to access their facilities and to communicate privately and visit with children and youths for whom they provide services.

§ 3207. COOPERATION OF STATE AGENCIES

All State agencies shall comply with reasonable requests of the Child, Youth, and Family Advocate and Deputy Advocate for information and assistance.

§ 3208. CONFIDENTIALITY

(a) The Office shall maintain the confidentiality of all case records, third-party records, and court records, as well as any information gathered in the course of investigations and systems monitoring duties. These records are exempt from public inspection and copying under the Public Records Act and shall be kept confidential except as provided in subsections (b) and (c) of this section.

(b) In the course of carrying out the provisions of this chapter, if the Child, Youth, and Family Advocate or Deputy Advocate reasonably believes that the health, safety, or welfare of a child or youth is at imminent risk, the Advocate or Deputy Advocate may disclose relevant documents or information to any of the individuals or entities listed in subdivision 4921(e)(1) of this title. Determinations of relevancy shall be made by the Advocate.

(c) Notwithstanding subsection (a) of this section, the Child, Youth, and Family Advocate or Deputy Advocate may publicly disclose any patterns of conduct or repeated incidents identified by the Advocate or Deputy Advocate in carrying out the provisions of this chapter if the Advocate or Deputy Advocate reasonably believes that public disclosure is likely to mitigate a risk posed to the health, safety, and welfare of a child or youth, except the Advocate or Deputy Advocate shall not publicly disclose either of the following:

(1) individually identifiable information about a child or youth unless the information is already known to the public; and

(2) investigation findings where there is a pending law enforcement investigation or prosecution.

§ 3209. CONFLICT OF INTEREST

The Child, Youth, and Family Advocate, the Advocate's employees, contractors, and members of the Oversight Commission on Children, Youths, and Families shall not have any conflict of interest with the Department or with any entity that provides services to children, youths, and families through funds provided by the Department relating to the performance of their responsibilities under this chapter. For the purposes of this section, a conflict of interest exists whenever the Child, Youth, and Family Advocate or the Advocate's employees or contractors:

(1) has direct involvement in the licensing, certification, or accreditation of a provider or facility delivering services to children, youths, and families;

(2) has a direct ownership interest in a provider or facility delivering services to children, youths, and families;

(3) is employed by or participates in the management of a provider or facility delivering services to children, youths, and families; or

(4) receives or has the right to receive, directly or indirectly, remuneration under a compensation arrangement with a provider or facility delivering services to children, youths, and families.

§ 3210. OVERSIGHT COMMISSION ON CHILDREN, YOUTHS, ANDFAMILIES

(a) Creation. There is created the Oversight Commission on Children, Youths, and Families to provide guidance and recommendations to the Office of the Child, Youth, and Family Advocate.

(b) Membership. The Commission shall be composed of the following members who shall not have a conflict of interest with the Department for Children and Families:

(1) one current member of the House of Representatives who serves on the House Committee on Human Services, who shall be appointed by the Speaker of the House;

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

(3) a member with professional expertise in childhood trauma, adverse childhood experiences, or child welfare, who shall be appointed by the Governor;

(4) the Executive Director of Racial Equity established pursuant to 3 V.S.A. § 5001 or designee;

(5) one member of a child advocacy group, board, or commission, who shall be appointed by the Speaker of the House;

(6) one member of a child advocacy group, board, or commission, who shall be appointed by the Committee on Committees;

(7) one member of a child advocacy group, board, or commission, who shall be appointed by the Governor;

(8) an adult who was in the custody of the Department for Children and Families within the past five years, who shall be appointed by the Vermont Foster and Adoptive Family Association; and

(9) the relative caregiver of a child or youth involved in the child protection system, who shall be appointed by Vermont Kin as Parents.

(c) Powers and duties. The Commission shall:

(1) recommend qualified applicants for the position of the Child, Youth, and Family Advocate to the Governor for consideration pursuant to section 3203 of this chapter; and

(2) provide oversight of the Office in its efforts to support an equitable, comprehensive, and coordinated system of services and programs for children, youths, and families.

(d) Assistance. The Commission shall have the administrative assistance of the Agency of Administration.

(e) Meetings.

(1) The member representing the House Committee on Human Services shall call the first meeting of the Commission to occur on or before August 1, 2021.

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

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

(f) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Commission 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 four meetings annually.

(2) Other members of the Commission shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than four meetings annually. These payments shall be made from monies appropriated to the Office of the Child, Youth, and Family Advocate.

Sec. 2. 33 V.S.A. § 4913 is amended to read:

§ 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL ACTION

(a) A mandated reporter is any:

* * *

(11) camp counselor; ~~or~~

(12) member of the clergy; or

(13) employee of the Office of the Child, Youth, and Family Advocate established pursuant to 33 V.S.A. chapter 32.

* * *

Sec. 3. 33 V.S.A. § 4921 is amended to read:

§ 4921. DEPARTMENT'S RECORDS OF ABUSE AND NEGLECT

* * *

(d) Upon request, Department records created under this subchapter shall be disclosed to:

* * *

(4) law enforcement officers engaged in a joint investigation with the Department, an Assistant Attorney General, or a State's Attorney; ~~and~~

(5) other State agencies conducting related inquiries or proceedings; and

(6) the Office of the Child, Youth, Family Advocate for the purpose of carrying out the provisions in chapter 32 of this title.

* * *

Sec. 4. 33 V.S.A. § 5117 is amended to read:

§ 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

* * *

(b)(1) Notwithstanding the foregoing, inspection of such records and files by the following is not prohibited:

* * *

(H) the Office of the Child, Youth, Family Advocate for the purpose of carrying out the provisions in chapter 32 of this title.

* * *

Sec. 5. OFFICE OF THE CHILD, YOUTH, AND FAMILY ADVOCATE;
DUTIES; TEMPORARY LIMITATION

Notwithstanding 33 V.S.A. § 3202(b), the Office of the Child, Youth, and Family Advocate shall only assume responsibility for the duties listed in subdivisions (1) and (2) of subsection (b) through June 30, 2022. The Office of the Child, Youth, and Family Advocate shall assume full responsibility of all duties listed in 33 V.S.A. § 3202(b) beginning on July 1, 2022.

Sec. 6. TRANSITION

The initial term of the Child, Youth, and Family Advocate established pursuant to 33 V.S.A. chapter 32 shall begin on or before January 1, 2022.

Sec. 7. APPROPRIATION

The sum of \$120,000.00 is appropriated to the Office of the Child, Youth, and Family Advocate from the General Fund in fiscal year 2022 for carrying out the purposes of this act.

Sec. 8. REPEAL; JOINT LEGISLATIVE CHILD PROTECTION
OVERSIGHT COMMITTEE

2015 Acts and Resolves No. 60, Sec. 23 as amended by 2018 Acts and Resolves No. 207, Sec. 2 is repealed.

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2021, except that Secs. 2 (reporting child abuse and neglect; remedial action), 3 (Department's records of abuse and neglect), 4 (records of juvenile judicial proceedings), 5 (Office of the Child, Youth, and Family Advocate; duties; temporary limitation), and 7 (appropriation) shall take effect on January 1, 2022.

and that after passage the title of the bill be amended to read: "An act relating to the Office of the Child, Youth, and Family Advocate"

Rep. Jessup of Middlesex, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Human Services and when further amended as follows:

First: In Sec. 1, 33 V.S.A. chapter 32, in section 3204 (Child, Youth, and Family Advisory Council), in subsection (b), by striking out “Committee” in the three instances in which it appears and inserting in lieu thereof “Council”

Second: In Sec. 6 (transition), by striking out the words “or before” after the words “begin on”

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, and the report of the Committee on Human Services was amended as recommended by the Committee on Appropriations. The report of the Committee on Human Services, as amended, was agreed to, and third reading ordered.

**Committee Bill; Second Reading;
Bill Amended; Third Reading Ordered**

H. 449

Rep. Gannon of Wilmington spoke for the Committee on Government Operations.

House bill, entitled

An act relating to the membership and duties of the Vermont Pension Investment Commission and the creation of the Pension Benefits, Design, and Funding Task Force

Rep. Townsend of South Burlington, for the Committee on Appropriations, recommended that the bill ought to pass when amended as follows:

First: In Sec. 3, Vermont Pension Investment Commission; fiscal year 2022 reports”, in subsection (b), in the third sentence, by striking out “House and Senate Committees on Government Operations” and inserting in lieu thereof “House Committees on Appropriations and on Government Operations and the Senate Committees on Appropriations and on Government Operations”

Second: In Sec. 10, Pension Benefits, Design, and Funding Task Force; State Employees’ Retirement System; State Teachers’ Retirement System; report, in subsection (c), in subdivision (1), in subdivision (H), at the end of the sentence, by striking out “and”; in subdivision (I), at the end of the sentence, by striking out “.” and inserting in lieu thereof “; and”; and by adding a subdivision (J) to read as follows:

(J) modeling and estimating costs for not changing the retirement benefits for members of the State Employees’ Retirement System and the State

Teachers' Retirement System for members who are within five and 10 years of the current retirement age.

and in subdivision (2), before the period, by inserting "or changing the retirement benefits for members of the State Employees' Retirement System and the State Teachers' Retirement System who are current retirees or within five years of the current retirement age"

and by striking out subdivision (e)(2) in its entirety and inserting in lieu thereof the following:

(2)(A) The Joint Fiscal Office shall contract for an independent benefits expert and a legal expert, as necessary, to provide advisory services to the Task Force.

(B) The sum of not more than \$200,000.00 is appropriated from general funds to the General Assembly for the purpose described in subdivision (A) of this subdivision (2).

and in subsection (g), in the first sentence, by striking out "September 1, 2021" and inserting in lieu thereof "September 15, 2021" and by striking out "House and Senate Committees on Government Operations" and inserting in lieu thereof "House Committees on Appropriations and on Government Operations and the Senate Committees on Appropriations and on Government Operations"

The bill, having appeared on the Calendar for Notice, 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. Mulvaney-Stanak of Burlington** 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, 125. Nays, 22.

Those who voted in the affirmative are:

Achey of Middletown	Gregoire of Fairfield	Ode of Burlington
Springs	Hango of Berkshire	Pajala of Londonderry
Ancel of Calais	Harrison of Chittenden	Palasik of Milton
Anthony of Barre City	Helm of Fair Haven	Partridge of Windham
Arrison of Weathersfield	Higley of Lowell	Patt of Worcester
Austin of Colchester	Hooper of Montpelier	Pearl of Danville
Bartholomew of Hartland	Houghton of Essex	Peterson of Clarendon
Beck of St. Johnsbury	James of Manchester	Pugh of South Burlington
Birong of Vergennes	Jerome of Brandon	Rachelson of Burlington
Black of Essex	Jessup of Middlesex	Redmond of Essex
Bluemle of Burlington	Killacky of South Burlington	Rogers of Waterville

Bock of Chester	Kimbell of Woodstock	Rosenquist of Georgia
Bongartz of Manchester	Kitzmiller of Montpelier	Satcowitz of Randolph
Brady of Williston	Kornheiser of Brattleboro *	Savage of Swanton
Briglin of Thetford	LaClair of Barre Town	Scheu of Middlebury
Brown of Richmond	LaLonde of South	Scheuermann of Stowe
Brownell of Pownal	Burlington	Shaw of Pittsford
Brumsted of Shelburne	Lanpher of Vergennes	Sheldon of Middlebury
Burditt of West Rutland	Lefebvre of Newark	Sibilia of Dover
Campbell of St. Johnsbury	Lefebvre of Orange	Sims of Craftsbury *
Chase of Colchester	Leffler of Enosburgh	Smith of New Haven
Christie of Hartford	Lippert of Hinesburg	Squirrell of Underhill
Coffey of Guilford	Long of Newfane *	Stebbins of Burlington
Colston of Winooski	Marcotte of Coventry	Stevens of Waterbury
Conlon of Cornwall	Masland of Thetford	Strong of Albany
Copeland Hanzas of	Mattos of Milton	Sullivan of Dorset *
Bradford	McCarthy of St. Albans City	Taylor of Colchester
Corcoran of Bennington	*	Terenzini of Rutland Town
Cupoli of Rutland City	McCormack of Burlington	Till of Jericho
Dickinson of St. Albans	McCoy of Poultney	Toleno of Brattleboro
Town	McCullough of Williston	Toof of St. Albans Town
Dolan of Essex	McFaun of Barre Town	Townsend of South
Dolan of Waitsfield	Morgan, L. of Milton	Burlington
Donahue of Northfield	Morgan, M. of Milton	Troiano of Stannard
Donnally of Hyde Park	Morris of Springfield	Walz of Barre City
Durfee of Shaftsbury	Mrowicki of Putney *	Webb of Shelburne
Elder of Starksboro	Murphy of Fairfax	White of Bethel
Emmons of Springfield	Nicoll of Ludlow	White of Hartford
Fagan of Rutland City	Nigro of Bennington	Whitman of Bennington
Feltus of Lyndon	Norris of Sheldon	Williams of Granby
Gannon of Wilmington	Norris of Shoreham	Wood of Waterbury *
Goldman of Rockingham	Notte of Rutland City	Yacovone of Morristown
Goslant of Northfield	Noyes of Wolcott	Yantachka of Charlotte *
Grad of Moretown	O'Brien of Tunbridge	

Those who voted in the negative are:

Batchelor of Derby	Graham of Williamstown	Burlington
Bos-Lun of Westminster *	Hooper of Randolph	Page of Newport City
Burke of Brattleboro *	Hooper of Burlington	Parsons of Newbury
Burrows of West Windsor *	Howard of Rutland City	Small of Winooski *
Canfield of Fair Haven	Martel of Waterford	Smith of Derby
Cina of Burlington	Martin of Franklin	Surprenant of Barnard
Colburn of Burlington	Morrissey of Bennington	Vyhovsky of Essex *
Cordes of Lincoln *	Mulvaney-Stanak of	

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

Brennan of Colchester	Seymour of Sutton
-----------------------	-------------------

Rep. Bos-Lun of Westminster explained her vote as follows:

“Madam Speaker:

I have heard from more constituents about pensions than any other topic. I hope a task force can be created that can develop a shared understanding of the pension challenge and come to agreement about the best way to proceed, to honor the years of service and the contracts made with Vermont's workers ,AND to make the system sustainable for the future. Equal representation in the task force of workers and other stakeholders, would get the process off to the strongest start. This bill did not have that. As a new legislator I was told the first two factors to consider when casting a vote are: first your conscience and second your constituents. Both these factors led to my no vote today.”

Rep. Burke of Brattleboro explained her vote as follows:

“Madam Speaker:

I support addressing the pension issue. I voted no on this bill because of the composition of the task force. I believe that perception matters, and that the process and outcome of the work will be much more successful when the union members feel honored by equal participation.”

Rep. Burrows of West Windsor explained her vote as follows:

“Madam Speaker:

I, too, support efforts to address the pension problem. I appreciate and applaud the difficult and good work of the committee and Speaker, and I have faith in the process and that all parties will work diligently toward resolution. I also ran on a platform of inclusion, and to me, unless the makeup of legislative representatives on the task force is designated tri-partisan, it is not inclusive. Thank you.”

Rep. Cordes of Lincoln explained her vote as follows:

“Madam Speaker:

For those of us that support the notion of pensions, there is little argument that we must address the condition of the funds for long term viability, ensure a comprehensive analysis of the operations and performance of VPIC, while protecting taxpayers and public employees. I am grateful to House Government Operations for their diligence in including recommendations from the Workers Caucus and from impacted employees to improve the process laid out in H. 449 and I indeed support much of it, but cannot support the bill without a true balance on the task-force of representation for employees. Let’s not add to the decades long whittling away of real and democratic representation of worker voices.”

Rep. Kornheiser of Brattleboro explained her vote as follows:

“Madam Speaker:

I vote yes today so we can continue the difficult work of preserving our public pensions for future retirees.”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

Today we take important steps toward resolving the crisis facing our public retirement systems. With this bill we bring more professionalism and expertise to the governance of the retirement funds. The Task Force in this bill sets out a fair, transparent process for recommending changes to preserve the pension systems as sustainable tools to recruit and retain teachers and State employees. Keeping the promise of defined benefit pensions for our public workers is a benefit for all Vermonters. I vote yes.”

Rep. McCarthy of St. Albans City explained his vote as follows:

“Madam Speaker:

I vote yes. The unfunded liabilities for the pensions and other retirement benefits for State employees, teachers and troopers is a \$5.6 billion challenge we cannot afford to ignore. This bill makes sure that the body governing pension investments is more independent and professional. Our work is not done, to save the retirement systems and honor our commitments to Vermont’s public employees. The Task force we establish here will listen to those workers and Vermonters about how best to do this. This is a good start.”

Rep. Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

My yes vote is to continue the process, continue to bring as many voices to be heard on this, and set the State pension fund on the road to recovery so we don't have to visit this again in a few years or hopefully again. We do well to make sure this work is thorough, deliberate, and long lasting for all Vermonters.”

Rep. Sims of Craftsbury explained her vote as follows:

“Madam Speaker:

I vote yes because our teachers, troopers, and State employees deserve security in retirement. On an issue as important as this, we can’t let perfect be the enemy of good. The magnitude of the problem we face with the pension fund is significant and we must take time this summer, with all the voices at the table, to look at every option. This bill is an important step forward to

address the pension crisis and set our public retirement systems on a sustainable path for the future.”

Rep. Small of Winooski explained her vote as follows:

“Madam Speaker:

If we are looking for informed and equitable solutions to the pension problem then we need to have trust in the taskforce. Those impacted by the pension system cannot trust the taskforce without equal representation: between impacted workers and non-impacted stakeholders. The way that I read this prescriptive legislation and what I'm hearing from my constituents shows a clear lack of trust in this taskforce as it stands. So, I ask why we are rushing this legislation and not listening to who we serve: the people.”

Rep. Sullivan of Dorset explained her vote as follows:

“Madam Speaker:

Insolvency is a term not often technically understood and can be used loosely on the pension issue. More important is the word 'default.' States that default on pension obligations would face significantly higher interest rates on subsequent bond issues, if they could borrow at all. A state's reputation can suffer for a long time and may not be able to return to credit markets without federal assistance. Pensions have multiple purposes and they may be given different weights but policy needs to bear them all in mind.

I support this bill as a step to bringing to the table those charged with identifying potential recommendations on how to reach a meeting of the minds regarding the pension situation at hand.”

Rep. Wood of Waterbury explained her vote as follows:

“Madam Speaker:

I vote yes for H.449. The importance of securing retirement benefits for the valued State employees and teachers is critical, particularly after their year of stressful service to our State. Much has been said about the make-up of the pension task force. I have full confidence in the ability of the teacher and State employee representatives to amplify the voices of those they represent.”

Rep. Vyhovsky of Essex explained her vote as follows:

“Madam Speaker:

I am committed to a sustainable pension system for all we have promised a pension, and hopefully even expanding the pension system to all Vermonters. H.449 sets up an unbalanced taskforce, with 6 members of labor on a fifteen member taskforce. Our labor groups have told us loudly and clearly that they

do not trust this task force. Given my experience in group facilitation, I am confident that this taskforce is set up to start in a place of adversary and mistrust, and this is not how we build collaborative solutions. If we truly want to solve this issue, we need to listen fully to those most impacted in order to start from a place of trust. Due to my significant concerns with the structure of the taskforce, the charge of the taskforce, some of the changes to governance, and the overall process of arriving at this bill, I cannot support H.449 and vote no.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Madam Speaker:

I vote Yes on H.449 as a step forward in spite of my concerns about balance on the Pension Study Task Force. I hope the members appointed to the Task Force from the Legislature will look objectively at solutions and not be wedded to a predetermined position.”

Committee Bill; Second Reading; Third Reading Ordered

H. 446

Rep. Satcowitz of Randolph spoke for the Committee on Natural Resources, Fish, and Wildlife.

House bill, entitled

An act relating to miscellaneous natural resources and development subjects

Rep. Durfee of Shaftsbury, for the Committee on Ways and Means, recommended the bill ought to pass.

Rep. Feltus of Lyndon, for the Committee on Appropriations, recommended the bill ought to pass.

Having appeared on the Calendar one day for Notice, was taken up, read the second time, and third reading ordered.

Action on Resolution Postponed

J.R.S. 24

Joint Senate resolution, entitled,

Joint resolution relating to amending temporary Joint Rule 22A

Appearing on the Calendar for Action pursuant to Rule 33, on motion of **Rep. Long of Newfane**, action on the resolution was postponed until April 28, 2021.

Message from the Senate No. 47

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 passed Senate bill of the following title:

S. 99. An act relating to repealing the statute of limitations for civil actions based on childhood physical abuse.

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

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

H. 195. An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children.

H. 366. An act relating to 2021 technical corrections.

And has passed the same in concurrence.

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

H. 218. An act relating to the sale of unpasteurized raw milk.

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 four 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, April 23, 2021

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

Devotional Exercises

A moment of silence was held in lieu of as devotional.

Senate Bill Referred**S. 99**

Senate bill, entitled

An act relating to repealing the statute of limitations for civil actions based on childhood physical abuse

Was read the first time and referred to the Committee on Judiciary.

Bill Referred to Committee on Appropriations**S. 102**

Senate bill, entitled

An act relating to the regulation of agricultural inputs for farming

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Third Reading; Bill Passed**H. 265**

House bill, entitled

An act relating to the Office of the Child Advocate

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

Second Reading; Consideration Interrupted; Recess; Consideration Resumed; Proposal of Amendment Agreed to; Third Reading Ordered; Rules Suspended; Third Reading; Bill Passed in Concurrence with Proposal of Amendment; Rules Suspended; Bill Messaged to Senate Forthwith

S. 114

Senate bill, entitled

An act relating to improving prekindergarten through grade 12 literacy within the State

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

At nine o'clock and thirty-eight minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

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

Consideration resumed on Senate bill 114, entitled

An act relating to improving prekindergarten through grade 12 literacy within the State

Rep. Webb of Shelburne, for the Committee on Education, reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Purpose * * *

Sec. 1. PURPOSE

(a) The purpose of this act is to continue the ongoing work to improve literacy for all students in the State while recognizing that achieving this goal will require a multiyear and multidimensional effort requiring continued focus by the General Assembly, the Administration, and school leaders.

(b) The State has been awarded Elementary and Secondary School Emergency Relief (ESSER) funding under the American Rescue Plan Act of 2021 Section 2001(f) to carry out, directly or through grants or contracts, activities to address learning loss by supporting the implementation of evidence-based interventions, such as summer learning or summer enrichment programs, extended day programs, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on at-risk student populations, students experiencing homelessness, and children and youths in foster care, including by providing additional support to local educational agencies to fully address such impacts.

(c) The purpose of the technical support for supervisory unions under Sec. 3 of this act and the contractor support for the Agency of Education under Sec. 4 of this act is to carry out activities to address learning loss and improve literacy outcomes.

* * * Findings * * *

Sec. 2. FINDINGS

(a) Addressing literacy outcomes is a key strategy for the successful implementation of 2018 Acts and Resolves No. 173. The following findings from the report entitled "Expanding and Strengthening Best-Practice Supports for Students who Struggle" issued by the District Management Group in November 2017, which informed the development of Act 173, support the urgency to improve Vermont's literacy outcomes relative to special education reform:

(1) “Investing in the effectiveness of core reading instruction is critical for students in general education and students with disabilities.”

(2) “Students with mild-to-moderate disabilities who struggle with reading may not be supported by teachers skilled in the teaching of reading.”

(3) “While some special education teachers across the supervisory unions had a strong background in the teaching of reading, others indicated that they did not have the training or background to be effective supporting students struggling in reading.”

(b) The following data indicate Vermont needs to improve its literacy outcomes at the early grades:

(1) Smarter Balanced Assessment Consortium results from 2016 to 2018 indicate that only about 50 percent of students in grade three were proficient in English Language Arts in each of these years.

(2) From 2015 to 2019, Vermont’s average scale in grade four reading on the National Assessment of Educational Progress dropped every year from a high of 230 to a low score of 222.

(c) The COVID-19 emergency has adversely affected student academic and developmental progress. Failure to address literacy outcomes now could significantly impact student development for many years to come, since literacy is foundational to the success of each student.

(d) The General Assembly recognizes that improving literacy outcomes is a significant challenge for school systems and their constituencies, and that they will require time and assistance in making necessary changes.

* * * Assistance to Support Improved Literacy Outcomes * * *

Sec. 3. ASSISTANCE TO SUPPORT IMPROVED LITERACY

OUTCOMES

(a) In recognition that literacy proficiency is a foundational learning skill, the technical support provided in this section is designed to assist supervisory unions improve literacy outcomes as part of their implementation of 2018 Acts and Resolves No. 173.

(b)(1) The Agency of Education shall use the funding under Sec. 4(b) of this act to:

(A) provide professional development learning modules for teachers in methods of teaching literacy in the five key areas of literacy instruction as identified by the National Reading Panel, which are phonics, phonemic awareness, vocabulary, fluency, and reading comprehension; and

(B) assist supervisory unions in implementing evidence-based systems-wide literacy approaches that address learning loss due to the COVID-19 pandemic.

(2) The Agency of Education shall, in accordance with the assurances required to be given by the Secretary of Education to the U.S. Department of Education under the American Rescue Plan Act of 2021, direct this funding to:

(A) address learning loss through the implementation of evidence-based interventions that respond to students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on student groups most impacted by the pandemic and for whom the pandemic exacerbated pre-existing inequities; and

(B) school districts that need additional support as evidenced by their needs assessment priorities in their COVID-19 recovery plans.

(c) The Agency of Education shall use the funding under Sec. 4(a) of this act to retain one or more contractors to provide the following technical assistance to supervisory unions:

(1) recommend how federal funds can be used to implement 2018 Acts and Resolves No. 173 in the context of improving literacy outcomes;

(2) recommend evidence-based best practices in teaching literacy instruction to students in prekindergarten through grade 3;

(3) recommend how to provide professional development for teachers and school leaders in methods of teaching literacy; and

(4) recommend policies, procedures, and other methods to ensure that improvements in literacy outcomes are sustained.

* * * Agency of Education; Literacy Staffing; Appropriations * * *

Sec. 4. AGENCY OF EDUCATION; CONTRACTOR; APPROPRIATIONS

(a) There is appropriated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 the amount of \$450,000.00 for the costs of the contractor or contractors under Sec. 3 of this act for fiscal years 2022, 2023, and 2024. The Agency may shift the use of this funding from the contractor or contractors to a limited service position that would expire at the end of fiscal year 2024 within the Agency focused on coordinating the Statewide literacy efforts.

(b) The sum of \$3,060,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(1), Pub. L. No. 117-2 to the Agency of Education in fiscal year 2022 for providing professional development learning modules for teachers in methods of teaching literacy and

assisting supervisory unions in implementing evidence-based systems-wide literacy approaches that address learning loss for fiscal years 2022, 2023, and 2024. The Agency of Education may set aside not more than two percent of the funds appropriated under this subsection to cover the costs of retaining and overseeing the work of the contractor.

* * * Advisory Council on Literacy * * *

Sec. 5. 16 V.S.A. § 2903a is added to read:

§ 2903a. ADVISORY COUNCIL ON LITERACY

(a) Creation. There is created the Advisory Council on Literacy. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes.

(b) Membership. The Council shall be composed of the following 16 members:

(1) eight members who shall serve as ex officio members:

(A) the Secretary of Education or designee;

(B) a member of the Standards Board for Professional Educators who is knowledgeable in licensing requirements for teaching literacy, appointed by the Standards Board;

(C) the Executive Director of the Vermont Superintendents Association or designee;

(D) the Executive Director of the Vermont School Boards Association or designee;

(E) the Executive Director of the Vermont Council of Special Education Administrators or designee;

(F) the Executive Director of the Vermont Principals' Association or designee;

(G) the Executive Director of the Vermont Independent Schools Association or designee; and

(H) the Executive Director of the Vermont-National Education Association or designee; and

(2) eight members who shall serve two-year terms:

(A) a representative appointed by the Vermont Curriculum Leaders Association;

(B) three teachers appointed by the Vermont-National Education Association who teach literacy, one of whom shall be a special education literacy teacher and two of whom shall teach literacy to students in prekindergarten through grade three;

(C) three community members who have struggled with literacy proficiency or supported others who have struggled with literacy proficiency, one of whom shall be a high school student, appointed by the Agency of Education in consultation with the Vermont Family Network; and

(D) one member appointed by the Agency of Education who has expertise in working with students with dyslexia.

(c) Members with two-year terms.

(1) A member with a term limit shall serve a term of two years and until a successor is appointed. A term shall begin on January 1 of the year of appointment and run through December 31 of the last year of the term. Terms of these members shall be staggered so that not all terms expire at the same time.

(2) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(3) A member with a term limit shall not serve more than two consecutive terms. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of this subdivision.

(d) Powers and duties. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes and shall:

(1) advise the Agency of Education on how to:

(A) update section 2903 of this title;

(B) implement the statewide literacy plan required by section 2903 of this title and whether, based on its implementation, changes should be made to the plan; and

(C) maintain the statewide literacy plan;

(2) advise the Agency of Education on what services the Agency should provide to school districts to support implementation of the plan and on staffing levels and resources needed at the Agency to support the statewide effort to improve literacy;

(3) develop a plan for collecting literacy-related data that informs:

(A) literacy instructional practices;

(B) teacher professional development in the field of literacy;

(C) what proficiencies and other skills should be measured through literacy assessments and how those literacy assessments are incorporated into local assessment plans; and

(D) how to identify school progress in achieving literacy outcomes, including closing literacy gaps for students from historically underserved populations;

(4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy instruction within the multitiered system of supports required under section 2902 of this title to best improve and sustain literacy proficiency; and

(5) review literacy assessments and outcomes and provide ongoing advice as to how to continuously improve those outcomes and sustain that improvement.

(e) Report. Notwithstanding 2 V.S.A. § 20(d), annually on or before December 15, the Council shall submit a written report to the House and Senate Committees on Education with its findings, any recommendations for legislative action, and progress toward outcomes identified in this section. The report shall contain an executive summary, which shall not exceed two pages.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Council to occur on or before August 1, 2021.

(2) The Council shall select a chair from among its members.

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

(4) The Council shall meet not more than eight times per year.

(g) Assistance. The Council shall have the administrative, technical, and legal assistance of the Agency of Education.

(h) Compensation and reimbursement. Members of the Council 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 of the Council per year.

Sec. 6. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

The sum of \$24,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022

to the Agency of Education for per diem and reimbursement of expenses for members of the Advisory Council on Literacy created under Sec. 5 of this act for fiscal years 2022, 2023, and 2024.

Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is repealed on June 30, 2024.

Sec. 8. IMPLEMENTATION OF THE ADVISORY COUNCIL ON
LITERACY

(a) The Advisory Council on Literacy, created in Sec. 5 of this act, is established on August 1, 2021.

(b) Members of the Council shall be appointed on or before August 1, 2021 and, for members with a term limit, their service on the Council from the date of appointment through December 31, 2021 shall not be counted toward their term limit.

(c)(1) In order to stagger the terms of the members of the Council, the initial terms of the following members shall be for one year:

(A) two of the teachers appointed under subdivision (b)(2)(B) of Sec. 5 of this act; and

(B) two of the community members appointed under subdivision (b)(2)(C) of Sec. 5 of this act.

(2) After the expiration of the initial term set forth in subdivision (1) of this subsection, Council member terms shall be as set forth in 16 V.S.A. § 2903a(c) in Sec. 5 of this act.

* * * Review of Teacher Preparation Programs * * *

Sec. 9. TEACHER PREPARATION PROGRAMS; REVIEW

(a) On or before October 1, 2022, the Agency of Education, in collaboration with the Standards Board for Professional Educators, shall review:

(1) teacher preparation programs to assess to what extent these programs prepare teacher candidates to use “evidence-based literacy instruction”; and

(2) licensing and re-licensing criteria as it pertains to literacy instruction.

(b) As used in this section, “evidence-based literacy instruction” means reading, writing, and spelling instruction that is supported by high-quality

research that meets rigorous standards and is proven to translate effectively to classroom practices.

* * * Agency of Education Reports * * *

Sec. 10. AGENCY OF EDUCATION; REPORTS

On or before December 15 of each of 2021, 2022, and 2023, the Agency of Education shall report to the General Assembly the statewide progress in achieving the purpose of this act, which is to improve literacy outcomes for all students in the State.

* * * Census-based Funding Advisory Group * * *

Sec. 11. 2018 Acts and Resolves No. 173, Sec. 9 (Census-based Funding Advisory Group), as amended by 2020 Acts and Resolves No. 112, Sec. 4 is further amended to read:

Sec. 9. CENSUS-BASED FUNDING ADVISORY GROUP

* * *

(e) Meetings.

* * *

(4) The Advisory Group shall cease to exist on June 30, 2023.

(f) Reports. On or before January 15, 2019, the Advisory Group shall submit a written report to the House and Senate Committees on Education and the State Board of Education with its findings and recommendations on the development of proposed rules to implement this act and any recommendations for legislation. On or before January 15 of 2020, 2021, ~~and 2022,~~ and 2023, the Advisory Group shall submit a supplemental written report to the House and Senate Committees on Education and the State Board of Education with a status of implementation under this act and any recommendations for legislation.

(g) Reimbursement. Members of the Advisory 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 per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings per year in fiscal years 2019 and 2020 and not more than 12 meetings per year in each of fiscal years 2021, 2022, and 2023.

(h) Appropriation. The sum of \$5,376.00 is appropriated for fiscal year 2018 from the General Fund to the Agency of Education to provide funding for per diem compensation and reimbursement under subsection (g) of this section. The sum of \$9,018.00 is appropriated for fiscal year 2021 from the

General Fund to the Agency of Education to provide funding for per diem compensation and reimbursement under subsection (g) of this section. The Agency shall include in its budget request to the General Assembly for each of fiscal years 2022 and 2023 the amount of \$9,018.00 to provide funding for per diem compensation and reimbursement under subsection (g) of this section.

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Education.

Thereupon, the report of the Committee on Education was agreed to, and third reading ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was placed in all remaining stages of passage. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Thereafter, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Amendment Offered and Withdrawn; Read Third Time; Bill Passed

H. 446

House bill, entitled

An act relating to miscellaneous natural resources and development subjects

Was taken up, and pending third reading of the bill, **Rep. Rogers of Waterville, Austin of Colchester, Birong of Vergennes, Gregoire of Fairfield, Hango of Berkshire, Higley of Lowell, Leffler of Enosburgh, Noyes of Wolcott, Page of Newport City, Pajala of Londonderry, Sibilia of Dover, Sims of Craftsbury, Surprenant of Barnard, White of Bethel, and Yacovone of Morristown** moved to amend the bill as follows:

First: By adding a new section to be Sec. 22a to read as follows:

Sec. 22a. 10 V.S.A. § 6001(38) and (39) are added to read:

(38) "Forest-based enterprise" means an enterprise that aggregates forest products from forestry operations and adds value through processing or marketing in the forest products supply chain or directly to consumers through retail sales. "Forest-based enterprise" includes sawmills; veneer mills; pulp mills; pellet mills; producers of firewood, wood chips, mulch, and fuel wood;

and log and pulp concentration yards. “Forest-based enterprise” does not include facilities that purchase, market, and resell finished goods, such as wood furniture, wood pellets, and milled lumber, without first receiving forest products from forestry operations.

(39) “Forest product” means logs, pulpwood, veneer wood, bolt wood, wood chips, stud wood, poles, pilings, biomass, fuel wood, maple sap, and bark.

Second: By adding a new section to be Sec.22b to read as follows:

Sec. 22b. 10 V.S.A. § 6086(c) is amended to read:

(c)(1) Permit Conditions. A permit may contain such requirements and conditions as are allowable proper exercise of the police power and ~~which that~~ are appropriate within the respect to subdivisions (a)(1) through (10) of this section, including those set forth in 24 V.S.A. §§ 4414(4), 4424(a)(2), 4414(1)(D)(i), 4463(b), and 4464, the dedication of lands for public use, and the filing of bonds to ensure compliance. The requirements and conditions incorporated from Title 24 may be applied whether or not a local plan has been adopted. General requirements and conditions may be established by rule of the Natural Resources Board.

(2) Permit conditions on a forest-based enterprise.

(A) A permit condition that sets hours of operation for a forest-based enterprise shall only be imposed to mitigate an impact under subdivision (a)(1), (5), or (8) of this section.

(B) Unless an impact under subdivision (a)(1) or (5) of this section would result, a permit issued to a forest-based enterprise shall allow the enterprise to ship and receive forest products outside regular hours of operation. These permits shall allow for deliveries of forest products from forestry operations to the enterprise outside permitted hours of operation, including nights, weekends, and holidays, for a minimum of 60 days per year.

(C) In making a determination under this subdivision (2) as to whether an impact exists, the Board or District Commission shall consider the enterprise’s role in sustaining forestland use and the impact of the permit condition on the forest-based enterprise. Conditions shall impose the minimum restriction necessary to address the undue adverse impact.

(3) Permit conditions on the delivery of wood heat fuels. A permit issued to a forest-based enterprise that produces wood chips, pellets, cord wood, or other fuel wood used for heat shall allow shipment of that fuel wood from the enterprise to the end user outside permitted hours of operation,

including nights, weekends, and holidays, from October 1 through April 30 of each year.

(4) Forest-based enterprises holding a permit may request an amendment to existing permit conditions related to hours of operation and seasonal restrictions to be consistent with subdivisions (2) and (3) of this subsection. Requests for condition amendments under this subsection shall not be subject to Act 250 Rule 34E.

Thereafter, **Rep. Rogers of Waterville** was granted leave to withdraw the amendment. Thereupon, the bill was read the third time and passed.

Bill Amended; Read Third Time; Bill Passed

H. 449

House bill, entitled

An act relating to the membership and duties of the Vermont Pension Investment Commission and the creation of the Pension Benefits, Design, and Funding Task Force

Was taken up, and pending third reading of the bill, **Rep. Scheuermann of Stowe** moved to amend the bill as follows:

In Sec. 1, 3 V.S.A. chapter 17, in section 521, definitions, in subdivision (3)(A)(i) by inserting "or the individual's spouse, parent, or child" after "individual" and by striking out subdivision (3)(C) in its entirety.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Adjournment

At ten o'clock and twenty-two minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Monday, April 26, 2021, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 25.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 45

House concurrent resolution congratulating Christopher Hodsdon on being named the 2021 Robert F. Pierce Principal of the Year

H.C.R. 46

House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks boys' Alpine State championship ski team

H.C.R. 47

House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks girls' Alpine State championship ski team

H.C.R. 48

House concurrent resolution recognizing the special importance of social workers during the COVID-19 pandemic

H.C.R. 49

House concurrent resolution honoring Neshobe School principal Judi Pulsifer

H.C.R. 50

House concurrent resolution recognizing April 2021 as Fair Housing Month in Vermont

H.C.R. 51

House concurrent resolution recognizing April 2021 as Organ Donation Month in Vermont

S.C.R. 4

Senate concurrent resolution recognizing the week of April 18–24 2021 as Medical Laboratory Professionals Week in Vermont and the essential role of Vermont's medical laboratories during the COVID-19 pandemic

[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 2021, seventy-sixth Biennial session.]

Monday, April 26, 2021

At ten o'clock in the forenoon the Speaker called the House to order. Noting a lack of quorum, the House adjourned pursuant to Rule 9.

Message from the Senate No. 48

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 considered a bill originating in the House of the following title:

H. 128. An act relating to limiting criminal defenses based on victim identity.

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. 4. Senate concurrent resolution recognizing the week of April 18–24 2021 as Medical Laboratory Professionals Week in Vermont and the essential role of Vermont’s medical laboratories during the COVID-19 pandemic.

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

H.C.R. 45. House concurrent resolution congratulating Christopher Hodsden on being named the 2021 Robert F. Pierce Principal of the Year.

H.C.R. 46. House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks boys’ Alpine State championship ski team.

H.C.R. 47. House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks girls’ Alpine State championship ski team.

H.C.R. 48. House concurrent resolution recognizing the special importance of social workers during the COVID-19 pandemic.

H.C.R. 49. House concurrent resolution honoring Neshobe School principal Judi Pulsifer.

H.C.R. 50. House concurrent resolution recognizing April 2021 as Fair Housing Month in Vermont.

H.C.R. 51. House concurrent resolution recognizing April 2021 as Organ Donation Month in Vermont.

Tuesday, April 27, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Taylor of Colchester.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Bills Referred to Committee on Ways and Means

Senate bills of the following titles, appearing on the Calendar, and pursuant to Rule 35(a), affecting the revenue of the State, were referred to the Committee on Ways and Means:

S. 1

Senate bill, entitled

An act relating to extending the baseload renewable power portfolio requirement

S. 39

Senate bill, entitled

An act relating to the Judicial Branch fee report and electronic filing fees

S. 86

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

Bill Referred to Committee on Appropriations

S. 124

Senate bill, entitled

An act relating to miscellaneous utility subjects

Appearing on the Calendar, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Ceremonial Reading**H.C.R. 38**

House concurrent resolution honoring the musical achievements of Vermont Symphony Orchestra Music Director Jaime Laredo

Offered by: Rep. Coffey of Guilford

Having been adopted in concurrence on Friday, April 9, 2021 in accord with Joint Rule 16b, was read.

**Second Reading; Proposals of Amendment Agreed to;
Third Reading Ordered****S. 66**

Rep. Bartholomew of Hartland, for the Committee on Transportation, to which had been referred Senate bill, entitled

An act relating to electric bicycles

Reported in favor of its passage in concurrence with proposal of amendment by striking out Sec. 3, 23 V.S.A. § 4(45), in its entirety and inserting a new Sec. 3 to read as follows:

Sec. 3. 23 V.S.A. § 4(45) is amended to read:

(45)(A) “Motor-driven cycle” means any vehicle equipped with two or three wheels, a power source providing up to a maximum of two brake horsepower and having a maximum piston or rotor displacement of 50 cubic centimeters if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed 30 miles per hour on a level road surface, and which is equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged. As motor vehicles, motor-driven cycles shall be subject to the purchase and use tax imposed under 32 V.S.A. chapter 219 rather than to a general sales tax. ~~Neither an electric~~ Electric personal assistive mobility ~~device nor a devices~~, motor-assisted ~~bicycle is a bicycles, and electric bicycles are not~~ motor-driven ~~eyele cycles~~.

(B)(i) “Motor-assisted bicycle” means any bicycle or tricycle with fully operable pedals and equipped with a motor that in itself is capable of producing a top speed of not more than 20 miles per hour on a paved level surface when ridden by an operator who weighs 170 pounds and either:

(I) has an internal combustion motor with a power output of not more than 1,000 watts or 1.3 horsepower; and or

~~(II) in itself is capable of producing a top speed of no more than 20 miles per hour on a paved level surface when ridden by an operator who weighs 170 pounds has an electric motor with a power output of not more than 1,000 watts and does not meet the requirements of one of the three classes in subdivisions (46)(A)(i)–(iii) of this section.~~

(ii) Motor-assisted bicycles shall be regulated in accordance with section 1136 of this title.

(iii) Electric bicycles, as defined in subdivision (46) of this section, are not motor-assisted bicycles, as defined in subdivision (45) of this section.

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, and the report of the Committee on Transportation agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Bartholomew of Hartland** moved that the House propose to the Senate that the bill be further amended as follows:

First: In Sec. 1, 23 V.S.A. § 4(18)(A), by inserting “motor-assisted bicycles,” preceding the words “electric bicycles”

Second: In Sec. 2, 23 V.S.A. § 4(21), by inserting “motor-assisted bicycles,” preceding the words “electric bicycles”

Third: In Sec. 5, 23 V.S.A. § 4(81), by inserting the words “a motor-assisted bicycle or” preceding the words “an electric bicycle”

Fourth: In Sec. 8, 23 V.S.A. § 3501(1), in the last sentence, by striking out the words “or electric bicycle” and inserting in lieu thereof “, a motor-assisted bicycle, or an electric bicycle”

Fifth: In Sec. 9, 23 V.S.A. § 3801(1), by inserting “, motor-assisted bicycles,” preceding the words “or electric bicycles”

Which was agreed to. Thereupon, third reading was ordered.

Action on Bill Postponed

H. 218

House bill, entitled

An act relating to the sale of unpasteurized raw milk

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Surprenant of Barnard**, action on the bill was postponed until April 28, 2021.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 42

Rep. Cordes of Lincoln, for the Committee on Health Care, to which had been referred Senate bill, entitled

An act relating to establishing the Emergency Service Provider Wellness Commission

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 7257b is added to read:

§ 7257b. EMERGENCY SERVICE PROVIDER WELLNESS

COMMISSION

(a) As used in this section:

(1) “Chief executive of an emergency service provider organization” means a person in charge of an organization that employs or supervises emergency service providers in their official capacity.

(2) “Emergency service provider” means a person:

(A) currently or formerly recognized by a Vermont Fire Department as a firefighter;

(B) currently or formerly licensed by the Department of Health as an emergency medical technician, emergency medical responder, advanced emergency medical technician, or paramedic;

(C) currently or formerly certified as a law enforcement officer by the Vermont Criminal Justice Council, including constables and sheriffs;

(D) currently or formerly employed by the Department of Corrections as a probation, parole, or correctional facility officer; or

(E) currently or formerly certified by the Vermont Enhanced 911 Board as a 911 call taker or employed as an emergency communications dispatcher providing service for an emergency service provider organization.

(3) “Licensing entity” means a State entity that licenses or certifies an emergency service provider.

(b) There is created the Emergency Service Provider Wellness Commission within the Agency of Human Services that, in addition to the purposes listed below, shall consider the diversity of emergency service providers on the basis

of gender, race, age, ethnicity, sexual orientation, gender identity, disability status, and the unique needs that emergency service providers who have experienced trauma may have as a result of their identity status:

(1) to identify where increased or alternative supports or strategic investments within the emergency service provider community, designated or specialized service agencies, or other community service systems could improve the physical and mental health outcomes and overall wellness of emergency service providers;

(2) to identify how Vermont can increase capacity of qualified clinicians in the treatment of emergency service providers to ensure that the services of qualified clinicians are available throughout the State without undue delay;

(3) to create materials and information, in consultation with the Department of Health, including a list of qualified clinicians, for the purpose of populating an electronic emergency service provider wellness resource center on the Department of Health's website;

(4) to educate the public, emergency service providers, State and local governments, employee assistance programs, and policymakers about best practices, tools, personnel, resources, and strategies for the prevention and intervention of the effects of trauma experienced by emergency service providers;

(5) to identify gaps and strengths in Vermont's system of care for both emergency service providers who have experienced trauma and their immediate family members to ensure access to support and resources that address the impacts of primary and secondary trauma;

(6) to recommend how peer support services and qualified clinician services can be delivered regionally or statewide;

(7) to recommend how to support emergency service providers in communities that are resource challenged, remote, small, or rural;

(8) to recommend policies, practices, training, legislation, rules, and services that will increase successful interventions and support for emergency service providers to improve health outcomes, job performance, and personal well-being and reduce health risks, violations of employment, and violence associated with the impact of untreated trauma, including whether to amend Vermont's employment medical leave laws to assist volunteer emergency service providers in recovering from the effects of trauma experienced while on duty; and

(9) to consult with federal, State, and municipal agencies, organizations, entities, and individuals in order to make any other recommendations the Commission deems appropriate.

(c)(1) The Commission shall comprise the following members and, to the extent feasible, include representation among members that reflects the gender, gender identity, racial, age, ethnic, sexual orientation, social, and disability status of emergency service providers in the State:

(A) the Chief of Training of the Vermont Fire Academy or designee;

(B) a representative, appointed by the Vermont Criminal Justice Council;

(C) the Commissioner of Health or designee;

(D) the Commissioner of Public Safety or designee;

(E) the Commissioner of the Department of Corrections or designee;

(F) the Commissioner of Mental Health or designee;

(G) the Commissioner of Human Resources or designee;

(H) a law enforcement officer who is not a chief or sheriff, appointed by the President of the Vermont Police Association;

(I) a representative, appointed by the Vermont Association of Chiefs of Police;

(J) a representative, appointed by the Vermont Sheriffs' Association;

(K) a volunteer firefighter, appointed by the Vermont State Firefighters' Association;

(L) a representative of the designated and specialized service agencies, appointed by Vermont Care Partners;

(M) a representative, appointed by the Vermont State Employees Association;

(N) a representative, appointed by the Vermont Troopers' Association;

(O) a professional firefighter, appointed by the Professional Firefighters of Vermont;

(P) a clinician associated with a peer support program who has experience in treating workplace trauma, appointed by the Department of Mental Health;

(Q) a professional emergency medical technician or paramedic, appointed by the Vermont State Ambulance Association;

(R) a volunteer emergency medical technician or paramedic, appointed by the Vermont State Ambulance Association;

(S) a person who serves or served on a peer support team, appointed by the Department of Mental Health;

(T) a representative, appointed by the Vermont League of Cities and Towns;

(U) a Chief, appointed by the Vermont Career Fire Chiefs Association;

(V) a Chief, appointed by the Vermont Fire Chiefs Association;

(W) a representative, appointed by the Vermont Association for Hospitals and Health Systems; and

(X) the Executive Director of the Enhanced 911 Board or designee.

(2) The term of office of each member shall be three years. Of the members first appointed, ten shall be appointed for a term of one year, ten shall be appointed for a term of two years, and the remainder shall be appointed for a term of three years. Members shall hold office for the term of their appointments and until their successors have been appointed. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members are eligible for reappointment.

(3) Commission members shall recuse themselves from any discussion of an event or circumstance that the member believes may involve an emergency service provider known by the member and shall not access any information related to it. The Commission may appoint an interim replacement member to fill the category represented by the recused member for review of that interaction.

(d)(1) The Commissioner of Health or designee shall call the first meeting of the Commission to occur on or before September 30, 2021.

(2) The Commission shall select a chair and vice chair from among its members at the first meeting and annually thereafter.

(3) The Commission shall meet at such times as may reasonably be necessary to carry out its duties but at least once in each calendar quarter.

(4) The Department of Health shall provide technical, legal, and administrative assistance to the Commission.

(e) The Commission's meetings shall be open to the public in accordance with 1 V.S.A. chapter 5, subchapter 2. Notwithstanding 1 V.S.A. § 313, the Commission may go into executive session in the event a circumstance or an event involving a specific emergency service provider is described, regardless of whether the emergency service provider is identified by name.

(f) Commission records describing a circumstance or an event involving a specific emergency service provider, regardless of whether the emergency service provider is identified by name, are exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

(g) To the extent permitted under federal law, the Commission may enter into agreements with agencies, organizations, and individuals to obtain otherwise confidential information.

(h) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its conclusions and recommendations to the Governor and General Assembly as the Commission deems necessary but not less frequently than once per calendar year. The report shall disclose individually identifiable health information only to the extent necessary to convey the Commission's conclusions and recommendations, and any such disclosures shall be limited to information already known to the public. The report shall be available to the public through the Department of Health.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

Favorable Report; Second Reading; Third Reading Ordered

H. 445

Rep. Higley of Lowell, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of an amendment to the charter of the Town of Underhill

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

Senate Proposal of Amendment Concurred in**H. 128**

The Senate proposed to the House to amend House bill, entitled
An act relating to limiting criminal defenses based on victim identity

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 6566 is added to read:

§ 6566. DEFENSE BASED ON VICTIM IDENTITY PROHIBITED

In a prosecution or sentencing for any criminal offense, the following shall not be used as a defense to the defendant's criminal conduct, to establish a finding that the defendant suffered from diminished capacity, to justify the defendant's use of force against another, or to otherwise mitigate the severity of the offense:

(1) evidence of the defendant's discovery of, knowledge about, or the potential disclosure of the crime victim's actual or perceived sexual orientation or gender identity, including under circumstances in which the victim made a nonforcible, noncriminal romantic or sexual advance toward the defendant; or

(2) evidence of the defendant's perception or belief, even if inaccurate, of the gender, gender identity, or sexual orientation of a crime victim.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Proposal of amendment was considered and concurred in.

Message from the Senate No. 49

A message was received from the Senate by Mr. Marshall, 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. 199. An act relating to validating legal instruments used in connection with the conveyance of real estate.

And has passed the same in concurrence.

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

H. 145. An act relating to amending the standards for law enforcement use of force.

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. 26. Joint resolution relating to weekend adjournment.

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

The Governor has informed the Senate that on the 26th day of April, 2021, he approved and signed bills originating in the Senate of the following titles:

S. 18. An act relating to limiting earned good time sentence reductions for offenders convicted of certain crimes.

S. 60. An act relating to allowing municipal and cooperative utilities to offer innovative rates and services.

Adjournment

At twelve o'clock and twenty-seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

Wednesday, April 28, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional

Bills Referred to the Committee on Ways and Means

House and Senate bills of the following titles, appearing on the Calendar, affecting the revenue of the State, under Rule 35(a), were referred to the Committee on Ways and Means:

H. 443

House bill, entitled

An act relating to approval of the merger of the Wilmington Water District with the Town of Wilmington

S. 33

Senate bill, entitled

An act relating to project-based tax increment financing districts

S. 48

Senate bill, entitled

An act relating to Vermont's adoption of the interstate Nurse Licensure Compact

Joint Resolution Adopted in Concurrence

J.R.S. 26

By Senator Balint,

J.R.S. 26. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 30, 2021, it be to meet again no later than Tuesday, May 4, 2021.

Was taken up, read, and adopted in concurrence.

Senate Proposal of Amendment Concurred in

H. 218

The Senate proposed to the House to amend House bill, entitled

An act relating to the sale of unpasteurized raw milk

The Senate proposed to the House to amend the bill in Sec. 1, 6 V.S.A. chapter 152, as follows:

First: In section 2776, subdivision (6), after the words "Required Agricultural Practices that" and before the words "grow, raise, or produce agricultural products" by inserting the words as part of the business of the farm stand or CSA organization

Second: In section 2778, subsection (b), subdivision (1), after the words "Persons selling or" and before the words "unpasteurized milk" by striking out the word "delivery" and inserting in lieu thereof the word delivering

Proposal of amendment was considered and concurred in.

Action on Resolution Postponed

J.R.S. 24

Senate resolution, entitled

Joint resolution relating to amending temporary Joint Rule 22A

Was taken up, and on motion of **Rep. Long of Newfane**, action on the resolution was postponed until April 29, 2021.

Third Reading; Bill Passed

H. 445

House bill, entitled

An act relating to approval of an amendment to the charter of the Town of Underhill

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

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 42

Senate bill, entitled

An act relating to establishing the Emergency Service Provider Wellness Commission

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

**Further Proposal of Amendment Offered; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 66

Senate bill, entitled

An act relating to electric bicycles

Was taken up, and pending third reading of the bill, **Rep. Feltus of Lyndon** moved to propose to the Senate to further amend the bill as follows:

First: In Sec. 6, 23 V.S.A. § 1136a, by striking out subsection (f) in its entirety

Second: By striking out Sec. 7, 23 V.S.A. § 1136a, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. 23 V.S.A. § 1136a(f) and (g) are added to read:

(f) Manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle and shall be printed in Arial font in at least 9-point type.

(g) A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle unless the label indicating the classification required in subsection (f) of this section is replaced after modification.

Third: In Sec. 10, effective dates, in subsection (a), by striking out “23 V.S.A. § 1136a(g) and (h)” and inserting in lieu thereof “23 V.S.A. § 1136a(f) and (g)”

Which was disagreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on vote by division: Yeas, 103; Nays, 27.

Message from the Senate No. 50

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 considered a bill originating in the House of the following title:

H. 18. An act relating to sexual exploitation of children.

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 bill of the following title:

S. 88. An act relating to insurance, banking, and securities.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

Adjournment

At one 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 and fifteen minutes in the afternoon.

Thursday, April 29, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Action on Resolution Postponed**J.R.S. 24**

Senate resolution, entitled

Joint resolution relating to amending temporary Joint Rule 22A

Was taken up, and on motion of **Rep. Long of Newfane**, action on the resolution was postponed until May 4, 2021.

Second Reading; Bill Amended; Third Reading Ordered**H. 140**

Rep. Hooper of Burlington, for the Committee on Government Operations, to which had been referred House bill, entitled

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

Reported in favor of its passage when amended by striking 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 Williston as set forth in this act. The voters approved proposals of amendment on March 3, 2020.

Sec. 2. 24 App. V.S.A. chapter 156 is amended to read:**CHAPTER 156. TOWN OF WILLISTON**

* * *

§ 16. THE TOWN MANAGER

* * *

(h) Responsibilities of the Town Manager and authority:

* * *

(3) Authority and duties in particular. The Manager shall be charged with full authority, and be responsible for the following:

* * *

(J) To appoint, upon merit and fitness alone, and, when the Manager deems necessary for the good of the service, suspend or remove any subordinate official, employee, or agent, including the Town Treasurer, Assistant Town Treasurer, and administrative officer (Zoning Administrator), under the Manager's supervision as provided for in this charter. The Library Director shall be appointed or removed by the Manager with the advice and consent of a majority of the Library Board of Trustees. All ~~such~~ appointments may be without definite terms, except as provided in section 19 of this charter, unless for provisional, temporary, or emergency service, in which case, terms shall not exceed the maximum periods prescribed by the personnel rules and regulations. The Manager may authorize the head of a department or of an office responsible to the Manager to appoint and remove subordinates in such office or department.

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

**Second Reading; Bill Amended; Motion to Recommit Disagreed to;
Third Reading Ordered**

H. 361

Rep. Anthony of Barre City, for the Committee on Government Operations, to which had been referred House bill, entitled

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

Reported in favor of its passage when amended in Sec. 2, 24 App. V.S.A. chapter 107, in § 2.3a, early voting, by striking out subdivision (4) in its entirety and inserting in lieu thereof a new subdivision (4) to read as follows:

(4) As authorized for certain Town elections pursuant to this charter, a youth voter who will be at least 16 years of age on the day of the Town election and chooses to vote early shall vote in the same manner as a youth voter on election day, provided that the youth voter completes an early voting form required by the Town Clerk.

The bill, having appeared on the Calendar for Notice, was taken up, read the second time, and the report of the Committee on Government Operations was agreed to on a vote by division: Yeas, 89; Nays, 42.

Thereupon, pending the question, Shall the bill be read a third time?, **Rep. Burditt of West Rutland** moved to recommit the bill to the Committee on Government Operations.

Pending the question, Shall the bill be recommitted to the Committee on Government Operations?, **Rep. Burditt of West Rutland** 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 recommitted to the Committee on Government Operations?, was decided in the negative. Yeas, 43. Nays, 102.

Those who voted in the affirmative are:

Achey of Middletown Springs	Helm of Fair Haven	Page of Newport City
Batchelor of Derby	Higley of Lowell	Palasik of Milton
Brennan of Colchester	LaClair of Barre Town	Parsons of Newbury
Burditt of West Rutland	Lefebvre of Orange	Peterson of Clarendon
Canfield of Fair Haven	Leffler of Enosburgh	Rosenquist of Georgia
Cupoli of Rutland City	Marcotte of Coventry	Savage of Swanton
Donahue of Northfield	Martel of Waterford	Scheuermann of Stowe
Fagan of Rutland City	Martin of Franklin	Shaw of Pittsford
Feltus of Lyndon	Mattos of Milton	Smith of Derby
Goslant of Northfield	McCoy of Poultney	Smith of New Haven
Graham of Williamstown	McFaun of Barre Town	Strong of Albany
Gregoire of Fairfield	Morgan, L. of Milton	Terenzini of Rutland Town
Hango of Berkshire	Morgan, M. of Milton	Toof of St. Albans Town
Harrison of Chittenden	Morrissey of Bennington	Williams of Granby
	Norris of Sheldon	

Those who voted in the negative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Anthony of Barre City	Goldman of Rockingham	Pajala of Londonderry
Austin of Colchester	Grad of Moretown	Partridge of Windham
Bartholomew of Hartland	Hooper of Montpelier	Patt of Worcester

Beck of St. Johnsbury	Hooper of Randolph	Pugh of South Burlington
Birong of Vergennes	Hooper of Burlington	Rachelson of Burlington
Black of Essex	Houghton of Essex	Redmond of Essex
Bluemle of Burlington	Howard of Rutland City	Rogers of Waterville
Bock of Chester	James of Manchester	Satcowitz of Randolph
Bongartz of Manchester	Jerome of Brandon	Scheu of Middlebury
Bos-Lun of Westminster	Jessup of Middlesex	Sheldon of Middlebury
Brady of Williston	Killacky of South Burlington	Sibilia of Dover
Briglin of Thetford	Kimbell of Woodstock	Sims of Craftsbury
Brown of Richmond	Kitzmiller of Montpelier	Small of Winooski
Brownell of Pownal	Kornheiser of Brattleboro	Squirrell of Underhill
Brumsted of Shelburne	LaLonde of South	Stebbins of Burlington
Burke of Brattleboro	Burlington	Stevens of Waterbury
Burrows of West Windsor	Lanpher of Vergennes	Sullivan of Dorset
Campbell of St. Johnsbury	Lefebvre of Newark	Surprenant of Barnard
Chase of Colchester	Lippert of Hinesburg	Taylor of Colchester
Christie of Hartford	Long of Newfane	Till of Jericho
Cina of Burlington	Masland of Thetford	Toleno of Brattleboro
Coffey of Guilford	McCarthy of St. Albans City	Townsend of South
Colburn of Burlington	McCormack of Burlington	Burlington
Colston of Winooski	McCullough of Williston	Troiano of Stannard
Conlon of Cornwall	Morris of Springfield	Vyhovsky of Essex
Copeland Hanzas of	Mrowicki of Putney	Walz of Barre City
Bradford	Mulvaney-Stanak of	Webb of Shelburne
Corcoran of Bennington	Burlington	White of Bethel
Cordes of Lincoln	Murphy of Fairfax	White of Hartford
Dolan of Essex	Nicoll of Ludlow	Whitman of Bennington
Dolan of Waitsfield	Nigro of Bennington	Wood of Waterbury
Donnally of Hyde Park	Norris of Shoreham	Yacovone of Morristown
Durfee of Shaftsbury	Notte of Rutland City	Yantachka of Charlotte
Elder of Starksboro	Noyes of Wolcott	
Emmons of Springfield	O'Brien of Tunbridge	

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

Arrison of Weathersfield	Town	Seymour of Sutton
Dickinson of St. Albans	Pearl of Danville	

Pending the question, Shall the bill be read a third time?, **Rep. Shaw of Pittsford** 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, 102. Nays, 42.

Those who voted in the affirmative are:

Ancel of Calais	Feltus of Lyndon	Ode of Burlington
Anthony of Barre City	Gannon of Wilmington	Pajala of Londonderry
Austin of Colchester	Goldman of Rockingham	Partridge of Windham

Bartholomew of Hartland	Grad of Moretown	Patt of Worcester
Beck of St. Johnsbury	Hooper of Montpelier	Pugh of South Burlington
Birong of Vergennes	Hooper of Randolph	Rachelson of Burlington
Black of Essex	Hooper of Burlington	Redmond of Essex
Bluemle of Burlington	Houghton of Essex	Rogers of Waterville
Bock of Chester	Howard of Rutland City	Satcowitz of Randolph
Bongartz of Manchester	James of Manchester	Scheu of Middlebury
Bos-Lun of Westminster	Jerome of Brandon	Sheldon of Middlebury
Brady of Williston	Jessup of Middlesex	Sibilia of Dover
Briglin of Thetford	Killacky of South Burlington	Sims of Craftsbury
Brown of Richmond	Kimbell of Woodstock	Small of Winooski
Brownell of Pownal	Kitzmiller of Montpelier	Squirrell of Underhill
Brumsted of Shelburne	Kornheiser of Brattleboro	Stebbins of Burlington
Burke of Brattleboro	LaLonde of South	Stevens of Waterbury
Burrows of West Windsor	Burlington	Sullivan of Dorset
Campbell of St. Johnsbury	Lanpher of Vergennes	Surprenant of Barnard
Chase of Colchester	Lefebvre of Newark	Taylor of Colchester
Christie of Hartford	Lippert of Hinesburg	Till of Jericho
Cina of Burlington	Long of Newfane	Toleno of Brattleboro
Coffey of Guilford	Masland of Thetford	Townsend of South
Colburn of Burlington	McCarthy of St. Albans City	Burlington
Colston of Winooski	McCormack of Burlington	Troiano of Stannard
Conlon of Cornwall	McCullough of Williston *	Vyhovsky of Essex
Copeland Hanzas of	Morris of Springfield	Walz of Barre City
Bradford	Mrowicki of Putney	Webb of Shelburne
Corcoran of Bennington	Mulvaney-Stanak of	White of Bethel
Cordes of Lincoln	Burlington	White of Hartford
Dolan of Essex	Murphy of Fairfax	Whitman of Bennington
Dolan of Waitsfield	Nicoll of Ludlow	Wood of Waterbury
Donnally of Hyde Park	Nigro of Bennington	Yacovone of Morristown
Durfee of Shaftsbury	Notte of Rutland City	Yantachka of Charlotte
Elder of Starksboro	Noyes of Wolcott	
Emmons of Springfield	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown	LaClair of Barre Town	Palasik of Milton
Springs	Lefebvre of Orange	Parsons of Newbury
Batchelor of Derby	Leffler of Enosburgh	Peterson of Clarendon
Brennan of Colchester	Marcotte of Coventry	Rosenquist of Georgia
Burditt of West Rutland	Martel of Waterford	Savage of Swanton
Canfield of Fair Haven	Martin of Franklin	Scheuermann of Stowe
Cupoli of Rutland City	Mattos of Milton	Shaw of Pittsford
Donahue of Northfield	McCoy of Poultney	Smith of Derby
Fagan of Rutland City	McFaun of Barre Town	Smith of New Haven
Graham of Williamstown	Morgan, L. of Milton	Strong of Albany
Gregoire of Fairfield	Morgan, M. of Milton	Terenzini of Rutland Town
Hango of Berkshire	Morrissey of Bennington	Toof of St. Albans Town
Harrison of Chittenden	Norris of Sheldon	Williams of Granby
Helm of Fair Haven	Norris of Shoreham	
Higley of Lowell	Page of Newport City	

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

Arrison of Weathersfield	Town	Pearl of Danville
Dickinson of St. Albans	Goslant of Northfield	Seymour of Sutton

Rep. McCullough of Williston explained his vote as follows:

“Madam Speaker:

By voting yes in support of Brattleboro's Charter, I acknowledge and support Vermont's youth and Vermont's future.”

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 1

Rep. Patt of Worcester, for the Committee on Energy and Technology, to which had been referred Senate bill, entitled

An act relating to extending the baseload renewable power portfolio requirement

Reported in favor of its passage in concurrence with proposal of amendment in Sec. 4, plant closure contingency plan, by striking it in its entirety and inserting in lieu thereof a new Sec. 4 to read:

Sec. 4. PLANT CLOSURE CONTINGENCY PLAN

On or before March 1, 2022, the Secretary of Commerce and Community Development in consultation with the Commissioner of Forests, Parks, and Recreation shall report to the Senate Committees on Agriculture, Economic Development, Housing, and General Affairs, and Finance and the House Committees on Agriculture and Forestry, Commerce and Economic Development, and Energy and Technology a contingency plan to address how to reduce the economic impacts that may occur if the baseload renewable power plant closes. The plan shall address how to remediate harm to the workforce impacted by the closure of the plant, the forestry industry, and forest health. The contingency plan shall be developed in consultation with the Northern Vermont Development Association, a Vermont resident selected by the Commissioner of Forests, Parks and Recreation who works in the forestry industry from the Ryegate lumber catchment area, and the owners of the Ryegate Plant. On or before July 1, 2021, the Department of Forests, Parks and Recreation shall render to the owners of the Ryegate Plant a statement for \$10,000.00 to be used on the creation of the contingency plan, which the owners of the Ryegate Plant shall pay within 30 days. The group of

stakeholders developing the plan shall hold at least one evening public hearing on the plan in the lumber catchment area.

Rep. Masland of Thetford, for the Committee on Ways and Means, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Energy and Technology and when further amended as follows:

In Sec. 1, 30 V.S.A. § 8009(b), following “Vermont retail electricity” by striking out the word “~~provider~~” and inserting in lieu thereof the word “provider”

The bill having appeared on the Calendar for Notice was taken up, read the second time, and the report of the Committee on Energy and Technology was agreed to. The report of the Committee on Ways and Means further amending the bill was agreed to. Thereupon, third reading was ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 86

Rep. Lanpher of Vergennes, for the Committee on Transportation, to which had been referred Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Temporary Plates * * *

Sec. 1. 23 V.S.A. § 511 is amended to read:

§ 511. MANNER OF DISPLAY

(a) Number plates. A motor vehicle operated on any highway shall have displayed in a conspicuous place either one or two number plates as the Commissioner may require. Such number plates shall be furnished by the Commissioner and shall show the number assigned to such vehicle by the Commissioner. If only one number plate is furnished, the same shall be securely attached to the rear of the vehicle. If two are furnished, one shall be securely attached to the rear and one to the front of the vehicle. The number plates shall be kept entirely unobscured, and the numerals and the letters thereon shall be plainly legible at all times. They shall be kept horizontal, shall be so fastened as not to swing, excepting however, there may be installed

on a motor truck or truck tractor a device that would, upon contact with a substantial object, permit the rear number plate to swing toward the front of the vehicle, provided such device automatically returns the number plate to its original rigid position after contact is released, and the ground clearance of the lower edges thereof shall be established by the Commissioner pursuant to the provisions of 3 V.S.A. chapter 25.

(b) Validation sticker. A registration validation sticker shall be unobstructed and shall be affixed as follows:

(1) for vehicles issued registration plates with dimensions of approximately 12 x 6 inches, in the lower right corner of the rear registration plate; and

(2) for vehicles issued a registration plate with a dimension of approximately 7 x 4 inches, in the upper right corner of the rear registration plate.

(c) Violation. A person shall not operate a motor vehicle unless number plates and a validation sticker are displayed as provided in this section.

(d) Failure to display a validation sticker. An operator cited for violating subsection (c) of this section with respect to failure to display a validation sticker on a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited within the 14 days following the expiration of the motor vehicle's registration.

(e) Temporary and in-transit registration plates. A motor vehicle issued a temporary or in-transit registration plate under sections 312, 458, 463, and 516–518 of this title operated on any highway shall have the temporary or in-transit registration plate displayed horizontally in a conspicuous place on the rear of the vehicle, including in the rear window. The temporary or in-transit registration plate shall be kept entirely unobscured, and the numerals and letters thereon shall be plainly legible at all times.

Sec. 2. 23 V.S.A. § 518 is amended to read:

§ 518. ELECTRONIC IN-TRANSIT PERMIT ELECTRONIC ISSUANCE
OF TEMPORARY PLATE AND TEMPORARY REGISTRATION

(a) Issuance of permit plate and registration; length. The Commissioner is authorized to electronically issue electronic in-transit registration permits a temporary plate and temporary registration to be printed by the owner of a motor vehicle for the purpose of movement over the highways of certain motor vehicles otherwise required to be registered when the vehicles are sold by a

person, other than a registered motor vehicle dealer, ~~to a resident to be transported to or within and registered in this State.~~ The electronic in-transit temporary plate and temporary registration permit issued pursuant to this section shall be valid for a period of ~~10~~ 60 days from issuance and shall be in the form and design prescribed by the Commissioner.

(b) Form of application; fee. The temporary plate and temporary registration may be obtained by submitting an application under oath on a form prescribed and furnished by the Commissioner, which shall require the applicant to attest to compliance with the provisions of section 800 of this title and provide any other proof of the identity of the vehicle the Commissioner reasonably requires. The Commissioner is authorized to charge a fee of \$6.00 for the processing of the application and the issuance of the electronic permit temporary plate and temporary registration.

(c) ~~Proof to be carried by operator. It shall be unlawful for any individual to drive a vehicle registered pursuant to this section unless the operator has in his or her possession a valid bill of sale for the vehicle and proof of compliance with the provisions of section 800 of this title. Notwithstanding section 511 of this title, a motor vehicle may be operated without having displayed one or two number plates if the operator has an electronic in-transit registration permit. An operator may prove that he or she is in possession of an electronic in-transit registration permit for the vehicle he or she is operating using a portable electronic device; however, use of a device for this purpose does not in itself constitute consent for an enforcement officer to access other contents of the device. [Repealed.]~~

* * * Duty to Report Blood Tests; Health Care Education * * *

Sec. 3. 23 V.S.A. § 1203b is amended to read:

§ 1203b. DUTY TO REPORT BLOOD TEST RESULTS

(a) Notwithstanding any law or court rule to the contrary, if a health care provider who is providing health services to a person in the emergency room of a health care facility as a result of a motor vehicle ~~accident~~ crash becomes aware as a result of any blood test performed in the health care facility that the person's blood alcohol level meets or exceeds the level prohibited by law, the health care provider shall report that fact, as soon as is reasonably possible, to a law enforcement agency having jurisdiction over the location where the ~~accident~~ crash occurred.

* * *

(g) Health care facilities have a responsibility to ensure that all health care providers who work in the health care facility and may provide health care to a person injured as a result of a motor vehicle ~~accident~~ crash are aware of their

responsibilities under this section. Every health care facility that provides health care to persons injured as a result of motor vehicle ~~accidents~~ crashes shall:

- (1) adopt a policy that implements this section;
- (2) provide a copy of the policy to all health care providers who work in the health care facility who may provide health care to a person as a result of a motor vehicle ~~accident~~ crash; and
- (3) conduct an educational and training program within one month of ~~July 1, 1998~~ employment for all ~~such~~ health care providers ~~currently working who work at the health care facility and, for all such health care providers hired thereafter, within one month of their employment who may provide health care to an individual as a result of a motor vehicle crash.~~

* * * Powers of Enforcement Officers; Investigation of Accidents * * *

Sec. 4. 23 V.S.A. § 1603 is amended to read:

§ 1603. INVESTIGATION OF ~~ACCIDENTS~~ CRASHES

The Commissioner of Public Safety shall ~~forthwith~~ immediately after receiving notice of ~~an accident~~ a crash where a personal injury occurs, and, in case of notice of ~~an accident~~ a crash where an injury occurs to property, may cause such ~~accident~~ crash to be investigated by an enforcement officer, and where such investigation reveals facts tending to show culpability on the part of any motor vehicle owner or operator, he or she shall cause such facts to be reported to the State's Attorney of the county where the ~~accident~~ crash occurred. The State's Attorney shall further investigate the ~~accident~~ crash and may hold an inquest as provided by 13 V.S.A. §§ 5131–5137. After such investigation or inquest, he or she shall immediately report ~~forthwith~~ to the Commissioner of Motor Vehicles the result thereof together with his or her recommendation as to the suspension of the license of the operator of any motor vehicle involved in the ~~accident~~ crash.

* * * Certificate of Title * * *

Sec. 5. 23 V.S.A. § 2015(c) is amended to read:

(c) If the application refers to a vehicle last previously registered in another state or country, the application shall contain or be accompanied by:

* * *

(3) ~~the certificate of a person authorized by the Commissioner that the identification number of the vehicle has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vehicle the Commissioner reasonably requires.~~

* * * Gasoline Tax * * *

* * * Calibration of Tank Vehicles * * *

Sec. 6. 23 V.S.A. § 3104 is amended to read:

§ 3104. CALIBRATION OF TANK VEHICLES

A distributor shall cause all tank vehicles used by him or her in the delivery of motor fuel to be calibrated under the supervision of the ~~director of weights and measures~~ Secretary of Agriculture, Food and Markets and under rules as he or she may prescribe, so as to show the number of gallons of motor fuel contained in these vehicles. The distributor shall make application in writing to the ~~director~~ Secretary for calibration stating the number of tank vehicles to be calibrated.

* * * Lien Filing Fees * * *

Sec. 7. 23 V.S.A. § 3121 is amended to read:

§ 3121. LIEN FILING FEES

Notwithstanding 32 V.S.A. § 502, the Commissioner may charge against any collection of liability any related lien filing fees specified in ~~subdivision 32 V.S.A. § 1671(a)(6) or subsection 1671(c) of this title~~ paid by the Commissioner. Fees collected under this section shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available as payment for the fees of the clerk of the municipality.

* * * Snowmobiles; Exhaust Systems * * *

Sec. 8. 23 V.S.A. § 3205 is amended to read:

§ 3205. SNOWMOBILE EQUIPMENT; WINDSHIELD; USE OF
HEADLIGHT; ILLEGAL NOISE LEVEL; EXEMPTION FROM
EQUIPMENT REQUIREMENT

(a) Snowmobile; required equipment. All snowmobiles shall be equipped with one or more operational:

* * *

(5) such other equipment and devices as may be required to meet the noise level specifications of subsection (d) of this section.

* * *

(d) ~~Muffler devices; Exhaust system; noise levels emissions. Any snowmobile manufactured on or after the following dates shall be equipped with a muffler system and such other equipment or devices that reduce~~

~~maximum machine operating noise to a noise level of not more than: An individual shall not operate the following on the State Snowmobile Trail System:~~

~~(1) as of September 1, 1972, 82 decibels on the A scale at 50 feet, in a normal operating environment; a snowmobile manufactured after February 1, 2007 that does not display a visible and unaltered marking of "SSCC Certified" issued by the Snowmobile Safety and Certification Committee (SSCC) on all critical components of the exhaust system; or~~

~~(2) as of September 1, 1973, at such level as established by the Commissioner by rule except that the level may not exceed the level established in subdivision (1) of this subsection. a snowmobile, regardless of the date of manufacture, with an exhaust system that has been modified in a manner that amplifies or otherwise increases total noise emission above that of the snowmobile as originally constructed.~~

(e) Prohibited sale; illegal noise level; notice to consumer.

~~(1) No person shall sell for operation, or offer to sell for operation, within the State of Vermont;~~

~~(1) A a snowmobile manufactured after the dates specified in subsection (d) of this section unless it complies that does not comply with the sound exhaust system requirements specified in subsection (d) of this section.~~

(2) No snowmobile shall be equipped in any manner that permits the operator thereof to bypass the muffler system.

~~(3) Replacement exhaust muffler.~~ No person shall sell or offer to sell a replacement exhaust ~~muffler~~ system or component of an exhaust system that will not meet or exceed the exhaust noise reduction capabilities of the snowmobile manufacturer's original equipment specifications for the snowmobile.

~~(4) Consumer information on noise levels.~~ Any person selling or offering to sell a snowmobile or replacement ~~muffler exhaust~~ system shall include in the specifications thereof precise information concerning the designed maximum sound levels of the snowmobile or replacement ~~muffler exhaust~~ system as outlined by the SSCC.

* * *

* * * Vessels * * *

Sec. 9. 23 V.S.A. chapter 29 is redesignated to read:

CHAPTER 29. SNOWMOBILES, MOTORBOATS VESSELS, AND
WATER SPORTS

Sec. 10. 23 V.S.A. chapter 29, subchapter 2 is redesignated to read:

Subchapter 2. ~~Motorboats~~ Vessels

Sec. 11. 23 V.S.A. § 3302 is amended to read:

§ 3302. DEFINITIONS

As used in this chapter, unless the context clearly requires a different meaning:

(1) “All-round light” means a light showing an unbroken light over an arc of the horizon of 360 degrees.

(2) “Holding tank” means a container or device designed to provide for the retention of wastes on board a vessel and to prevent the discharge of wastes into the waters of this State.

(2)(3) “Law enforcement officer” shall mean means a person designated in subdivision 4(11) of this title and shall include includes deputy State game wardens and auxiliary State Police officers.

(3)(4) “Marine toilet” means any toilet on or within any vessel except those that have been permanently sealed and made inoperative.

(5) “Masthead light” means a white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel, except that on a vessel of less than 12 meters in length, the masthead light shall be placed as nearly as practicable to the fore and aft centerline of the vessel.

(4)(6) “Motorboat” means any vessel propelled by equipped with machinery capable of propelling the vessel, whether or not such machinery is the principal source of propulsion, but shall not include a vessel that has a valid marine document issued by U.S. Customs and Border Protection or any successor federal agency.

(5)(7) “Operate” means to navigate or otherwise use a motorboat or vessel.

(6)(8) “Owner” means a person, other than a lienholder, having the property in or title to a motorboat vessel. The term includes a person entitled to the use or possession of a motorboat vessel subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(7)(9) “Person” means an individual, partnership, firm, corporation, association, or other entity.

(8)(10) “Personal watercraft” means a class A vessel that uses an inboard engine powering a water jet pump as its primary source of motive power and that is designed to be operated by ~~a person or persons~~ an individual or individuals sitting, standing, or kneeling on, or being towed behind the vessel motorboat rather than in the conventional manner of sitting or standing inside the vessel.

(9)(11) “Public waters of the State” means navigable waters as defined in 10 V.S.A. chapter 49, excepting those waters in private ponds and private preserves as set forth in 10 V.S.A. §§ 5204, 5205, 5206, and 5210.

(40)(12) “Racing shell or rowing scull” means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing, and one in which all occupants row or scull, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

(41)(13) “Sailboard” means a sailboat whose unsupported mast is attached to a surfboard-like hull by a flexible joint.

(14) “Sailing vessel” means any vessel under sail provided that propelling machinery, if fitted, is not being used.

(15) “Sidelights” mean a green light on the starboard side and a red light on the port side, each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. On a vessel of less than 20 meters in length the side lights may be combined in one lantern carried on the fore and aft centerline of the vessel, except that on a vessel of less than 12 meter in length the sidelights, when combined in one lantern, shall be placed as nearly as practicable to the fore and aft centerline of the vessel.

(16) “Sternlight” means a white light placed as nearly as practicable at the stern, showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.

(42)(17) “Vessel” means every description of watercraft, other than a seaplane on the water or a racing shell or rowing scull occupied exclusively by persons over 12 years of age, used or capable of being used as a means of transportation on water.

~~(13)~~(18) “Waste” means effluent, sewage, or any substance or material, liquid, gaseous, solid, or radioactive, including heated liquids, whether or not harmful or deleterious to waters of this State.

~~(14)~~(19) “Waters of this State” means any waters within the territorial limits of this State.

Sec. 12. 23 V.S.A. § 3303 is amended to read:

§ 3303. OPERATION OF UNNUMBERED MOTORBOATS PROHIBITED

Except for motorboats exempt from numbering under subdivisions ~~3307(a)(2)-(4)~~ ~~3307(a)(2)-(6)~~ of this title, every motorboat on the waters of this State shall be numbered. A person shall not operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered in accordance with this subchapter, or in accordance with applicable federal law, or in accordance with a federally approved numbering system of another state, and unless:

* * *

Sec. 13. 23 V.S.A. §§ 3305, 3305a, 3305b, and 3306 are amended to read:

§ 3305. FEES

(a) ~~A person~~ An individual shall not operate a motorboat on the public waters of this State unless the motorboat has a valid marine document issued by U.S. Customs and Border Protection or any successor federal agency or is registered in accordance with this chapter.

(b) Annually or biennially, the owner of each motorboat required to be registered by this State shall file an application for a number with the Commissioner of Motor Vehicles on forms approved by him or her. The application shall be signed by the owner of the motorboat and shall be accompanied by an annual fee of \$31.00, or a biennial fee of \$57.00, for a motorboat in class A; by an annual fee of \$49.00, or a biennial fee of \$93.00, for a motorboat in class 1; by an annual fee of \$80.00, or a biennial fee of \$155.00, for a motorboat in class 2; by an annual fee of \$153.00, or a biennial fee of \$303.00, for a motorboat in class 3. Upon receipt of the application in approved form, the Commissioner shall enter the application upon the records of the Department of Motor Vehicles and issue to the applicant a registration certificate stating the number awarded to the motorboat and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by rules of the Commissioner in order that it may be clearly visible. The registration shall be void one year from the first day of the month following the month of issue in the case of annual registrations, or void two

years from the first day of the month following the month of issue in the case of biennial registrations. A ~~vessel~~ motorboat of less than 10 horsepower used as a tender to a registered ~~vessel~~ motorboat shall be deemed registered, at no additional cost, and shall have painted or attached to both sides of the bow, the same registration number as the registered ~~vessel~~ motorboat with the number "1" after the number. The number shall be maintained in legible condition. The registration certificate shall be pocket size and shall be available at all times for inspection on the motorboat for which issued, whenever the motorboat is in operation. A duplicate registration may be obtained upon payment of a fee of \$3.00 to the Commissioner. Registration fees shall be allocated in accordance with section 3319 of this title.

(c) A person engaged in the business of selling or exchanging motorboats, as defined in subdivision 4(8) of this title, of a type otherwise required to be registered by this subchapter shall register and obtain registration certificates for use as described under subdivision (1) of this subsection, subject to the requirements of chapter 7 of this title. A manufacturer of motorboats may register and obtain registration certificates under this section.

* * *

(4) The Commissioner shall issue a registration certificate of number for each identifying number awarded to the dealer in the manner described in subsection (a) of this section, except that a ~~boat~~ motorboat shall not be described in the certificate. A dealer's registration certificate expires one year from the first day of the month of issuance.

* * *

§ 3305a. PRIVILEGE TO OPERATE A VESSEL; SUSPENSION OF
PRIVILEGE; MINIMUM AGE FOR OPERATION OF A
MOTORBOAT

(a) ~~A person~~ An individual who meets the applicable requirements of this subchapter shall have the privilege to operate a vessel on the public waters of this State, as those waters are defined in 10 V.S.A. § 1422.

(b) ~~A person~~ An individual whose privilege to operate a vessel has been suspended shall not operate, attempt to operate, or be in actual physical control of a vessel on the public waters of this State until the privilege to operate a vessel has been reinstated by the Commissioner of Motor Vehicles.

(c) ~~A person~~ An individual under ~~the age of~~ 12 years of age shall not operate a motorboat powered by more than six horsepower on the public waters of this State.

§ 3305b. BOATING SAFETY EDUCATION; RULES

(a) When required. ~~A person~~ An individual born after January 1, 1974 shall not operate a motorboat on the public waters of this State without first obtaining a certificate of boating education.

(b) Possession of certificate. ~~A person~~ An individual who is required to have a certificate of boating education shall:

(1) Possess the certificate when operating a motorboat on the public waters of the State.

(2) Show the certificate on the demand of an enforcement officer wearing insignia identifying him or her as such or operating a law enforcement ~~motorboat or vessel~~. However, ~~no person~~ an individual charged with violating this subsection shall not be convicted if the ~~person~~ individual produces a certificate that was valid at the time the violation occurred in court, to the officer, or to a State's Attorney ~~a certificate that was valid at the time the violation occurred~~.

(c) Exemptions. The following ~~persons~~ individuals are exempt from the requirements of this section:

(1) ~~a person~~ an individual who is licensed by the U.S. Coast Guard to operate a vessel for commercial purposes;

(2) ~~a person~~ an individual operating a ~~vessel~~ motorboat on a body of water located on private property; and

(3) any other ~~person~~ individual exempted by rules of the Department of Public Safety.

* * *

(f) Persons offering courses. The following persons may offer the course of instruction in boating safety education if approved by the Department of Public Safety:

(1) the Department of Public Safety;

(2) the U.S. Coast Guard Auxiliary;

(3) the U.S. Power Squadrons;

(4) a political subdivision;

(5) a municipal corporation;

(6) a State agency;

(7) a public or nonpublic school; and

(8) any group, firm, association, or person.

(g) Issuance of certificate. The Department of Public Safety or its designee shall issue a certificate of boating safety education to ~~a person~~ an individual who:

* * *

(h) Education materials. Upon request, the Department of Public Safety shall provide, without charge, boating safety education materials to ~~persons~~ individuals who plan to take the boating safety equivalency examination.

(i) Lifetime issuance. Once issued, the certificate of boating safety education is valid for the lifetime of the ~~person~~ individual to whom it was issued and may not be revoked by the Department of Public Safety or a court of law.

* * *

§ 3306. LIGHTS AND EQUIPMENT

(a) Every vessel shall carry and show the following lights, in the intensity prescribed under 33 C.F.R. § 83.22, as amended, when underway between sunset and sunrise and during other periods of restricted visibility:

(1) ~~manually propelled boats, a lantern capable of showing a white light which shall be temporarily displayed in sufficient time to prevent collision;~~

(2) ~~motorboats less than 26 feet in length, a white light aft showing all around, visible for at least two miles, a light in the forepart of the boat, lower than the white light aft, showing green to starboard and red to port, visible for at least one mile;~~

(3) ~~motorboats 26 feet or longer, a white light aft showing all around, visible for at least two miles, and a light in the forepart of the boat showing red to port and green to starboard, visible at least one mile;~~

(4) ~~boats propelled by sail, a white light showing all around visible for at least two miles, and a white light in the forepart of the boat, lower than the white light aft, showing red to port and green to starboard;~~

(5) ~~any Unpowered vessels.~~

(A) A sailing vessel shall exhibit:

(i) sidelights; and

(ii) a sternlight.

(B) A sailing vessel may, in addition to the lights prescribed in subdivision (A) of this subdivision (1), exhibit at or near the top of the mast,

where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower being green.

(C) Notwithstanding subdivision (A) of this subdivision (1), on a sailing vessel of less than 20 meters in length, the lights prescribed in subdivision (A) of this subdivision (1) may be combined in a single light and exhibited at or near the top of the mast, where it can best be seen, but may not also have exhibited two all-round lights in a vertical line, as permitted in subdivision (B) of this subdivision (1).

(D) Notwithstanding subdivision (A) of this subdivision (1), a sailing vessel of less than seven meters in length shall, if practicable, exhibit the lights prescribed in subdivision (1) of this subsection (a) but, if not practicable, shall exhibit or have onboard an all-round white light that shall be exhibited in sufficient time to prevent collision.

(E) A vessel under oars or one or more paddles may exhibit the lights prescribed in subdivision (1) of this subsection (a), but, if such lights are not exhibited, the vessel shall exhibit or have onboard an all-round white light that shall be exhibited in sufficient time to prevent collision.

(2) Motorboats.

(A) A motorboat, including one that is also proceeding under sail, shall exhibit:

(i) a masthead light forward;

(ii) a second masthead light abaft of and higher than the light required under subdivision (i) of this subdivision (A) if the vessel is 50 meters or more in length;

(iii) sidelights; and

(iv) a sternlight.

(B) A motorboat that is also proceeding under sail shall exhibit forward, where it can best be seen, a conical shape, apex downward.

(3) Lights approved by the U.S. Coast Guard. Any light or combination of lights approved by the U.S. Coast Guard for inland waters shall be considered legal for Vermont waters.

(b)(1) Personal flotation devices. Each vessel, except sailboards, shall, consistent with federal regulations, carry for each individual aboard at least one wearable U.S. Coast Guard-approved personal flotation device consistent with federal regulations that is in good and serviceable condition for each individual aboard and capable of being used in accordance with the U.S. Coast Guard approval label.

(2) Vessels; individuals less than 12 years of age. In addition to the provisions of this subsection, ~~a person~~ an individual under 12 years of age aboard a vessel, while under way and the individual is on an open deck, shall wear a ~~Type I, II, or III~~ properly secured wearable U.S. Coast Guard-approved personal flotation device as intended by the manufacturer.

(3) Sailboards; individuals less than 16 years of age. An individual under 16 years of age aboard a sailboard shall wear a ~~Type I, II, or III~~ properly secured wearable U.S. Coast Guard-approved personal flotation device as intended by the manufacturer.

(4) Inspected commercial vessels. U.S. Coast Guard-inspected commercial vessels shall be exempt from the provisions of this subsection.

(c) ~~Every motorboat and auxiliary powered sailboats, except a motorboat that is less than 26 feet in length, that has an outboard motorboats less than 26 feet in length motor and of an open construction, and is not carrying passengers for hire shall carry on board, fully charged and in good condition, U.S. Coast Guard-approved hand portable fire extinguishers as follows:~~

(1) ~~Motorboats and auxiliary powered sailboats~~ with no fixed fire extinguisher system in the machinery space and that are:

- (A) less than 26 feet in length, one extinguisher;
- (B) 26 feet or longer, but less than 40 feet, two extinguishers;
- (C) 40 feet or longer, three extinguishers.

(2) ~~Motorboats and auxiliary powered sailboats~~ with a fixed fire extinguisher system in the machinery space and that are:

- (A) 26 feet or longer but less than 40 feet, one extinguisher;
- (B) 40 feet or longer, two extinguishers.

(d) The extinguishers referred to by this section are class B-I ~~or 5-B~~ extinguishers ~~described in 46 C.F.R. § 25.30~~, but one class B-II ~~or 20-B~~ extinguisher ~~described in that regulation~~ may be substituted for two class B-I ~~or 5-B~~ extinguishers.

(e) Every marine toilet on board any vessel operated on the waters of the State shall also incorporate or be equipped with a holding tank. Any holding tank or marine toilet designed so as to provide for an optional means of discharge to the waters on which the vessel is operating shall have the discharge openings sealed shut and any discharge lines, pipes, or hoses shall be disconnected and stored while the vessel is in the waters of this State.

* * *

Sec. 14. 23 V.S.A. § 3307(a) is amended to read:

(a) A motorboat is not required to have a Vermont number under this chapter if it is:

* * *

(3) A motorboat owned by ~~the United States~~, a state or subdivision of ~~the United States~~, or a state and not rented, leased, or used by any person other than ~~an employee of the government~~ used principally for governmental purposes and that is clearly identifiable as such, provided that the state or subdivision has jurisdiction over the motorboat and follows the guidance of 33 C.F.R. § 173.19. ~~However, the boat shall have the name of the government or department of the government owning it printed on each side of the bow.~~

(4) A ~~ship's~~ vessel's lifeboat.

* * *

(6) A motorboat that has a valid marine document issued by U.S. Customs and Border Protection or any successor federal agency.

Sec. 15. 23 V.S.A. § 3307a is amended to read:

§ 3307a. ~~DOCUMENTED BOAT~~ MOTORBOAT VALIDATION STICKER

(a) Annual validation required.

(1) An owner of a ~~vessel, as defined in subdivision 3302(6) of this title,~~ motorboat that has been registered in another state under a federally approved numbering system, or that has a valid document issued by the U.S. Coast Guard, U.S. Customs and Border Protection, or any other federal agency, and that is used in the waters of the State for at least ~~30~~ 60 days in any calendar year shall apply annually to the Commissioner of Motor Vehicles for validation of the out-of-state or federal registration of that ~~vessel~~ motorboat.

(2) The Commissioner shall issue a validation sticker to any ~~person~~ owner who submits an application and pays a fee as required by subsection (b) of this section provided that the out-of-state or federal registration is valid and that the requirements of section 3322 of this title are met.

(3) A validation sticker issued under this section shall be valid through December 31 of the year in which it is issued.

(b) Application; fee. The owner of the ~~vessel~~ motorboat shall:

(1) submit an application, on a form that the Commissioner requires, signed by every owner of the motorboat to the Commissioner ~~on the form that the Commissioner requires and be signed by every owner of the vessel;~~ and

(2) pay to the Commissioner an application fee in the same amount as would be paid if the ~~vessel~~ motorboat was being registered under subsection 3305(b) of this title.

(c) Sale of ~~vessel~~ motorboat. Within 30 days after the sale or other transfer of a ~~vessel~~ motorboat that is or should be validated under this section:

(1) the transferor shall give notice of the transfer to the Commissioner on a form that the Commissioner requires; and

(2) if the transferee intends to continue to use the ~~vessel~~ motorboat on the waters of the State for at least 30 days in any calendar year, he or she shall submit an application for validation and pay the fee as required by subsection (b) of this section.

(d) Display of sticker. The validation sticker shall be displayed on or about the forward half of the ~~vessel~~ motorboat.

(e) Operation without sticker prohibited. Unless the ~~vessel~~ motorboat that is subject to the validation requirement of this section displays a current validation sticker:

(1) ~~a person~~ an individual may not operate the ~~vessel~~ motorboat on the waters of the State; and

(2) the owner may not knowingly permit the ~~vessel~~ motorboat to be operated on the waters of the State.

Sec. 16. 23 V.S.A. § 3310(a) is amended to read:

(a) The Commissioner of Forests, Parks and Recreation or a municipality in administering a swimming beach or waterfront program may designate a swimming area in front of the beach or land that the State or a municipality owns or controls and may make rules pertaining to the area. The rules may provide that no ~~person~~ individual, except a lifeguard on duty and other authorized personnel, may operate ~~any boat, canoe, or water vehicle~~ a vessel, seaplane, racing shell, or rowing scull of any sort within the designated swimming area.

Sec. 17. 23 V.S.A. § 3311(c) is amended to read:

(c) Distance requirements.

(1) An individual shall not operate any vessel, seaplane, racing shell, or rowing scull, except a sailboard or a police or emergency vessel, within 200 feet of the shoreline, ~~a person~~ an individual in the water, a canoe, rowboat, or other vessel, an anchored or moored vessel containing any individual, or anchorages or docks, except at a speed of less than five miles per hour that does not create a wake.

(2) An individual shall not operate any vessel, ~~seaplane, racing shell, or rowing scull~~, except a nonmotorized canoe, a nonmotorized rowboat, or a police or emergency vessel, within 200 feet of a divers-down flag.

(3) Nothing in this subsection shall prohibit rendering assistance to another ~~person~~ individual, picking up a ~~person~~ an individual in the water, necessary mooring or landing, or leaving shore, or operating in any other place where obstruction, other than the shoreline, would prevent abiding by this statute.

(4) An individual shall not operate a vessel, except at speeds of less than five miles per hour, within 200 feet of a designated swimming area.

Sec. 18. 23 V.S.A. § 3311(h) is amended to read:

(h) Power of law enforcement officers; authority to stop and board. A law enforcement officer may stop and board any ~~motorized vessel~~ motorboat afloat on public waters of the State at any time to:

(1) inspect its documents;

(2) inspect the licenses and permits of the operator of the vessel motorboat; or

(3) conduct a safety inspection for required equipment.

Sec. 19. 23 V.S.A. §§ 3312, 3312a, and 3313 are amended to read:

§ 3312. OPERATIONS RULES AS BETWEEN VESSELS

(a) When two ~~boats~~ motorboats are approaching each other “head on” or in a manner so as to involve risk of collision, each ~~boat~~ motorboat shall bear to the right and pass the other ~~boat~~ motorboat on its left side.

(b) When ~~boats~~ two vessels approach each other obliquely or at right angles, the ~~boat~~ vessel approaching on the right side ~~has the right of way~~ should maintain its course and speed.

(c) ~~One boat~~ A vessel may overtake another vessel on either side but shall ~~grant the right of way to the overtaken boat~~ must be prepared to take early and substantial action to avoid collision. The vessel being overtaken should maintain its course and speed.

* * *

§ 3312a. OPERATION OF PERSONAL WATERCRAFT

(a) ~~A person under the age of 16~~ An individual less than 16 years of age shall not operate a personal watercraft.

(b) All ~~persons~~ individuals operating or riding on a personal watercraft shall wear a ~~Type I, II, or III~~ properly secured wearable U.S. Coast Guard-approved personal flotation device as intended by the manufacturer.

(c) Personal watercraft shall not be operated at any time between sunset and sunrise.

(d) Every ~~person~~ individual operating a personal watercraft equipped by the manufacturer with a lanyard type engine cut-off switch shall attach the lanyard to his or her wrist, clothing, or personal flotation device as appropriate for the specific craft.

§ 3313. COLLISIONS, ~~ACCIDENTS~~ CRASHES, AND CASUALTIES

(a) The operator of a vessel involved in a collision, ~~accident~~ crash, or other casualty, so far as he or she can do so without serious danger to his or her own vessel, crew, and passengers, shall render to other ~~persons~~ individuals affected by the collision, ~~accident~~ crash, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, ~~accident~~ crash, or other casualty. Also, he or she shall give his or her name, address, and identification of his or her vessel in writing to any ~~person~~ individual injured and to the owner of any property damaged in the collision, ~~accident~~ crash, or other casualty.

(b) If a collision, ~~accident~~ crash, or other casualty involving a vessel results in death or injury to a ~~person~~ an individual or damage to property in excess of \$100.00 \$2,000.00, the operator shall file with the Commissioner of Motor Vehicles within 36 hours a full description of the collision, ~~accident~~ crash, or other casualty, including such information as the Commissioner may, by rule, require.

Sec. 20. 23 V.S.A. § 3316(a) is amended to read:

(a) The Commissioner of Public Safety may authorize the holding of public regattas, motorboat or other ~~boat~~ vessel races, marine parades, tournaments, water skiing events, exhibitions, or triathlons on any waters of this State and any associated public roads. He or she shall adopt and may, from time to time, amend rules concerning the safety of motorboats and other vessels and ~~persons~~ individuals on these vessels, either observers or participants, and of ~~persons~~ individuals swimming, cycling, or running in or observing an event. Whenever a public regatta, motorboat or other ~~boat~~ vessel race, marine parade, tournament, water skiing event, exhibition, or triathlon is proposed to be held, the person in charge shall, at least 15 days prior to the event, file an application with the Department of Public Safety for permission to hold the regatta, motorboat or other ~~boat~~ vessel race, marine parade, tournament, water skiing event, exhibition, or triathlon. A copy of such

application shall be sent to the municipality and organized lake association where the event is to be held 15 days in advance of the event to allow for comment. The application shall set forth the date, time, and location where it is proposed to hold the regatta, motorboat or other ~~boat~~ vessel race, marine parade, tournament, water skiing event, exhibition, or triathlon and it shall not be conducted without authorization of the Department of Public Safety in writing, except that this provision shall not apply to unscheduled ~~boat~~ vessel races to which the public has not been invited.

Sec. 21. 23 V.S.A. §§ 3320 and 3321 are amended to read:

§ 3320. ~~MOTOR PROPELLED BOATS~~ MOTORBOATS ON DUFRESNE
DAM WATERS PROHIBITED

(a) The use and operation of ~~motor propelled boats~~ motorboats on the waters impounded by the Dufresne Dam, so-called, on the Battenkill River in the town of Manchester is prohibited.

* * *

§ 3321. ~~MOTOR PROPELLED BOATS~~ MOTORBOATS IN SOUTH POND
PROHIBITED

(a) The use and operation of ~~motor propelled boats~~ motorboats on the waters of South Pond in the town of Marlboro is prohibited.

* * *

Sec. 22. 23 V.S.A. § 3801 is amended to read:

§ 3801. DEFINITIONS

* * *

(8) “Motorboat” means ~~any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion, but shall not include a vessel that has a valid marine document issued by U.S. Customs and Border Protection or any successor federal agency.~~ [Repealed.]

* * *

(11) “Owner” means a person, other than a lienholder, having property in or title to a vessel, snowmobile, or all-terrain vehicle. The term includes a person entitled to use or possess a vessel, snowmobile, or all-terrain vehicle subject to an interest in another person, which is reserved or created by agreement and securing payment of performance of an obligation, but it does not include a lessee under a lease not intended as security.

* * *

(19) “Vessel” means every description of ~~motorboat~~ watercraft capable of being used as a means of transportation on water that is equipped with machinery capable of propelling the watercraft, whether or not such machinery is the principal source of propulsion, but shall not include a watercraft that has a valid marine document issued by U.S. Customs and Border Protection or any successor federal agency.

* * *

* * * Replacing Accident with Crash Throughout Title 23 * * *

Sec. 23. REPLACEMENTS

When preparing the Vermont Statutes Annotated for publication in 2021, the Office of Legislative Counsel shall replace the words “accident” with “crash” and “accidents” with “crashes” and the phrase “an accident” with “a crash” in the following statutory sections: 23 V.S.A. §§ 102(a)(3) and (4), 108, 326, 364a(b), 454(a)(4), 603(a)(2), 607a(a), 704(3), 731(a), 750(b)(8) and (d)(8), 802(c) and (i), 804(d)(1), 809(a), 810, 843, 921, 941(f) and (g), 1001(a)(4), 1046(b)(2), 1128(b) and (c), 1201(c), 1202(d)(6)(B) and (f), 1203(g), 1603a, 1603b, 2502(a)(5)(D) and (b), 3206(b)(19), 3207(f), 3211, 3305(c)(1)(D), 3317(c), 3506(b)(13), 3511, 4102, and 4103(16)(E).

Sec. 24. 23 V.S.A. § 114(a)(7) and (8) are amended to read:

- | | |
|--|---------|
| (7) Certified copy individual accident crash report | \$12.00 |
| (8) Certified copy police accident crash report | \$18.00 |

Sec. 25. 23 V.S.A. § 4108(d)(1)(E) is amended to read:

(E) has not had any conviction for a violation, other than a parking violation, of military, state, or local law relating to motor vehicle traffic control arising in connection with any ~~traffic-accident~~ crash, and has no record of ~~an-accident~~ a crash in which he or she was at fault; and

Sec. 26. 23 V.S.A. § 4121(b)(2)(E) and (F) are amended to read:

(E) has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any ~~traffic-accident~~ crash;

(F) has not been convicted of any motor vehicle traffic violation that resulted in ~~an-accident~~ a crash; and

* * * Incorrect Capitalization * * *

Sec. 27. 23 V.S.A. § 4103(16)(E) is amended to read:

(E) A violation of any ~~State~~ state law or local ordinance relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any individual.

Sec. 28. 23 V.S.A. § 4116(a)(3) is amended to read:

(3) using a motor vehicle in the commission of any offense under ~~State~~ state or federal law that is punishable by imprisonment for a term exceeding one year;

Sec. 29. 23 V.S.A. § 4116(c)(2) is amended to read:

(2) any offense under ~~State~~ state or federal law that is punishable by imprisonment for a term exceeding one year involving the manufacture, distribution, or dispensing of a regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug where the person used a motor vehicle in the commission of the offense; or

Sec. 30. 23 V.S.A. § 4116a(e) is amended to read:

(e) An individual's privilege to operate a commercial motor vehicle in the State of Vermont shall be suspended for life if the individual uses a commercial motor vehicle in the commission of any offense under ~~State~~ state or federal law that is punishable by imprisonment for a term exceeding one year, involving the manufacture, distribution, or dispensing of a regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug, and for which the individual was convicted.

* * * Commercial Driver's Licenses * * *

Sec. 31. 23 V.S.A. § 4108(b) is amended to read:

(b) The Commissioner shall not issue a commercial driver's license or commercial learner's permit to any individual:

* * *

(3) Unless Vermont is the state of domicile of the individual and the individual has passed a knowledge and skills test for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. Part 383, subparts F, G, and H, as may be amended, and has satisfied all other requirements of 49 C.F.R. Part 380 and 49 U.S.C. eh. Chapter 313, as may be amended, and the ~~Commercial Motor Vehicle Safety~~ Anti-Drug Abuse Act of 1986, Title XII of Pub. L. No. 99-570, Title XII (Commercial Motor Vehicle Safety Act of 1986), as may be

amended, in addition to other requirements imposed by ~~state~~ State law or federal regulation. The tests shall be prescribed and conducted by the Commissioner.

* * * Records Inspection * * *

Sec. 32. 23 V.S.A. § 3836(a) is amended to read:

(a) Each person who purchases or in any manner acquires a vessel, snowmobile, or all-terrain vehicle as salvage shall keep and maintain for a period of not less than five years such records as may be prescribed by the Commissioner that are reasonably necessary to substantiate the information contained in the application required by sections ~~3840~~ 3833 and ~~3842~~ 3835 of this title. These records shall include parts and accessories obtained and used for the repair or rebuilding, or both, of a vessel, snowmobile, or all-terrain vehicle, and such financial records that will allow the Commissioner to determine if the person qualifies to become or remain licensed as a “salvage dealer.”

* * * Enforcement in 1998 * * *

Sec. 33. REPEAL

23 V.S.A. § 1220 (drunken driving enforcement in fiscal year 1998) is repealed.

* * * Signal Lamps * * *

Sec. 34. 23 V.S.A. § 1252 is amended to read:

§ 1252. ISSUANCE OF PERMITS FOR SIRENS OR COLORED LAMPS,
OR BOTH; USE OF AMBER LAMPS

(a) When satisfied as to the condition and use of the vehicle, the Commissioner shall issue and may revoke, for cause, permits for sirens ~~or~~ and colored signal lamps in the following manner:

(1)(A) Sirens ~~or~~, blue signal lamps, or blue and white signal lamps, or a combination ~~of these~~ thereof, may be authorized for all law enforcement vehicles owned or leased by a law enforcement agency, a certified law enforcement officer, or the Vermont Criminal Justice Council.

(B) A red signal lamp or an amber signal lamp, or a combination thereof, may be authorized for all law enforcement vehicles owned or leased by a law enforcement agency, a certified law enforcement officer, or the Vermont Criminal Justice Council, provided that the Commissioner shall require the lamp or lamps be mounted so as to be visible primarily from the rear of the vehicle.

(C) If the applicant is a constable, the application shall be accompanied by a certification by the town clerk that the applicant is the duly elected or appointed constable and attesting that the town has not voted to limit the constable's authority to engage in enforcement activities under 24 V.S.A. § 1936a.

(2)(A) Sirens and red or red and white signal lamps may be authorized for all ambulances, fire apparatus and other emergency medical service (EMS) vehicles, vehicles owned or leased by a fire department, vehicles used solely in rescue operations, or vehicles owned or leased by, or provided to, volunteer firefighters and voluntary rescue squad members, including a vehicle owned by a volunteer's employer when the volunteer has the written authorization of the employer to use the vehicle for emergency fire or rescue activities.

(B) A blue signal lamp or an amber signal lamp, or a combination thereof, may be authorized for all EMS vehicles or vehicles owned or leased by a fire department, provided that the Commissioner shall require the lamp or lamps be mounted so as to be visible primarily from the rear of the vehicle.

~~(3) No vehicle may be authorized a permit for more than one of the combinations described in subdivisions (1) and (2) of this subsection. [Repealed.]~~

(4) No motor vehicle, other than one owned by the applicant, shall be issued a permit until the Commissioner has recorded the information regarding both the owner of the vehicle and the applicant for the permit.

(5) Upon application to the Commissioner, the Commissioner may issue a single permit for all the vehicles owned or leased by the applicant.

(6) Sirens and red or red and white signal lamps; or sirens and blue or blue and white signal lamps; may be authorized for restored emergency or enforcement vehicles used for exhibition purposes. Sirens and lamps authorized under this subdivision may only be activated during an exhibition, such as a car show or parade.

(b) Amber signal lamps shall be used on road maintenance vehicles, service vehicles, and wreckers and shall be used on all registered snow removal equipment when in use removing snow on public highways, and the amber lamps shall be mounted so as to be visible from all sides of the motor vehicle. ~~A vehicle equipped with an amber signal lamp may not be issued a permit for the installation and use of a siren.~~

Sec. 35. 23 V.S.A. § 1255 is amended to read:

§ 1255. EXCEPTIONS

(a) The provisions of section 1251 of this title shall not apply to directional

signal lamps of a type approved by the Commissioner of ~~Motor Vehicles~~.

(b) All persons with motor vehicles equipped as provided in subdivisions 1252(a)(1) and (2) of this title shall use the sirens or colored signal lamps, or both, only in the direct performance of their official duties. When any person other than a law enforcement officer is operating a motor vehicle equipped as provided in subdivision 1252(a)(1) of this title, the colored signal ~~lamp~~ lamps shall be either removed, covered, or hooded. When any person other than an authorized ~~ambulance~~ emergency medical service vehicle operator, firefighter, or authorized operator of vehicles used in rescue ~~operation~~ operations is operating a motor vehicle equipped as provided in subdivision 1252(a)(2) of this title, the colored signal lamps shall be either removed, covered, or hooded unless the operator holds a senior operator license.

* * * All-Terrain Vehicles * * *

Sec. 36. 23 V.S.A. § 3502(a) is amended to read:

(a)(1) Except as otherwise provided in this section, an individual shall not operate an ATV on the VASA Trail System, on State land designated by the Secretary pursuant to subdivision 3506(b)(4) of this title, or along any highway that is not adjacent to the property of the operator unless the ATV:

(A) is registered pursuant to this title or in accordance with subsection (e) of this section; and

(B) displays a valid VASA Trail Access Decal (TAD).

(2) Notwithstanding subdivision (1) of this subsection, neither registration nor display of a TAD is required to operate an ATV:

* * *

(E) ~~On frozen bodies of water as designated by the Agency of Natural Resources under the provisions of 10 V.S.A. § 2607. Notwithstanding subdivision 3506(b)(16) of this title, protective headgear is not required when an ATV is operated on a frozen body of water pursuant to this subdivision. [Repealed.]~~

* * *

(4) Notwithstanding subdivision (1) of this subsection and subdivision 3506(b)(16) of this title, neither the display of a TAD nor the use of protective headgear is required to operate an ATV on frozen bodies of water as designated by the Agency of Natural Resources under the provisions of 10 V.S.A. § 2607.

Sec. 37. 23 V.S.A. § 3506(b) is amended to read:

(b) An ATV shall not be operated:

* * *

(16) Unless At locations where the ATV must be registered in order to be lawfully operated under section 3502 of this title unless the operator and all passengers wear:

(A) properly secured protective headgear, of a type approved by the Commissioner and as intended by the manufacturer, if the ATV is operated at locations where the ATV must be registered in order to be lawfully operated under section 3502 of this title that is used as intended by the manufacturer of the headgear and conforms to the Federal Motor Vehicle Safety Standards contained in 49 C.F.R. § 571.218, as amended, and any applicable regulations promulgated by the U.S. Secretary of Transportation; or

(B) properly secured protective headgear that is used as intended by the manufacturer of the headgear and conforms to ASTM International or National Operating Committee on Standards for Athletic Equipment safety standards, provided that the ATV is equipped with manufacturer-installed rollover protection and safety belts that have not been removed or modified in a way that reduces their effectiveness.

* * * Effective Dates * * *

Sec. 38. EFFECTIVE DATES

(a) This section (effective dates) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 5 (certificate of title; 23 V.S.A. § 2015(c)) shall take effective retroactively on April 1, 2020.

(c) Notwithstanding 1 V.S.A. § 214, Secs. 1 (display of number plates; 23 V.S.A. § 511) and 2 (temporary plate; 23 V.S.A. § 518) shall take effect retroactively on September 8, 2020.

(d) All other sections shall take effect on July 1, 2021.

Rep. Brennan of Colchester, for the Committee on Ways and Means, recommended that House propose to the Senate to amend the bill as recommended by the Committee on Transportation.

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

Recess

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

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

**Second Reading; Proposals of Amendment Agreed to;
Third Reading Ordered**

S. 102

Rep. O'Brien of Tunbridge, for the Committee on Agriculture and Forestry, to which had been referred Senate bill, entitled

An act relating to the regulation of agricultural inputs for farming

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Compost Foraging; Farming * * *

Sec. 1. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

~~As~~ As used in this chapter:

* * *

(3)(A) "Development" means each of the following:

* * *

(D) The word "development" does not include:

(i) The construction of improvements for farming, logging, or forestry purposes below the elevation of 2,500 feet.

* * *

(vii) The construction of improvements below the elevation of 2,500 feet for the on-site storage, preparation, and sale of compost, provided that one of the following applies:

* * *

(III) The compost is principally used on the farm where it was produced.

* * *

(22) "Farming" means:

(A) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or

(B) the raising, feeding, or management of livestock, poultry, fish, or bees; or

(C) the operation of greenhouses; or

(D) the production of maple syrup; or

(E) the on-site storage, preparation, and sale of agricultural products principally produced on the farm; or

(F) the on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or

(G) the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines; or

(H) the importation of 2,000 cubic yards per year or less of food residuals or food processing residuals onto a farm for the production of compost, provided that:

(i) the compost is principally used on the farm where it is produced; or

(ii) the compost is produced on a small farm that raises or manages poultry.

* * *

(38) "Farm" means, for the purposes of subdivision (22)(H) of this section, a parcel or parcels of land owned, leased, or managed by a person and devoted primarily to farming that meets the threshold criteria as established under the Required Agricultural Practices.

(39) "Food processing residuals" means the remaining organic material from a food processing plant and may include whey and other dairy, cheese making, and ice cream residuals or residuals from any food manufacturing process excluding livestock or poultry slaughtering and rendering operations. "Food processing residuals" does not include food residuals from markets, groceries, or restaurants.

(40) "Food residuals" has the same meaning as in section 6602 of this title.

(41) “Principally used” means, for the purposes of subdivision (3)(D)(vii)(III) and (22)(H) of this section, that more than 50 percent, either by volume or weight, of the compost produced on the farm is physically and permanently incorporated into the native soils on the farm as a soil enhancement and is not removed or sold at any time thereafter.

(42) “Small farm” has the same meaning as in 6 V.S.A. § 4871.

Sec. 2. Section 2 of the Agency of Agriculture, Food and Markets,
Vermont Required Agricultural Practices Rule for the Agricultural
Nonpoint Source Pollution Control Program is amended to read:

Section 2. Definitions

* * *

2.16 Farming means:

(a) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural, viticultural, and orchard crops; or

(b) the raising, feeding, or management of livestock, poultry, fish, or bees;
or

(c) the operation of greenhouses; or

(d) the production of maple syrup; or

(e) the on-site storage, preparation, and sale of agricultural products principally produced on the farm; or

(f) the on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or

(g) the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines; or

(h) the importation of 2,000 cubic yards per year or less of food residuals or food processing residuals onto a farm for the production of compost, provided that:

(1) the compost is principally used on the farm where it is produced; or

(2) the compost is produced on a small farm that raises or manages poultry.

* * *

2.44 “Food residual” means source separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable, in

a manner consistent with 10 V.S.A. § 6605k. Food residual may include preconsumer and postconsumer food scraps. “Food residual” does not mean meat and meat-related products when the food residuals are composted by a resident on site.

2.45 “Principally used” means that more than 50 percent, either by volume or weight, of the compost produced on the farm is physically and permanently incorporated into the native soils on the farm as a soil enhancement and is not removed or sold at any time thereafter.

Sec. 3. 6 V.S.A. chapter 218 is added to read:

CHAPTER 218. AGRICULTURAL RESIDUALS MANAGEMENT

§ 5131. PURPOSE

The purpose of this chapter is to establish a program for the management of residual wastes generated, imported to, or managed on a farm for farming in Vermont.

§ 5132. DEFINITIONS

As used in this chapter:

(1) “Agency” means the Agency of Agriculture, Food and Markets.

(2) “Compost” means a stable humus-like material produced by the controlled biological decomposition of organic matter through active management but shall not mean sewage, septage, or materials derived from sewage or septage.

(3) “Farm” means a parcel or parcels of land owned, leased, or managed by a person and devoted primarily to farming that meets the threshold criteria for regulation under the Required Agricultural Practices.

(4) “Farming” has the same meaning as in 10 V.S.A. § 6001(22).

(5) “Food processing residuals” means the remaining organic material from a food processing plant and may include whey and other dairy, cheese making, and ice cream residuals or residuals from any food manufacturing process excluding livestock or poultry slaughtering and rendering operations. “Food processing residuals” do not include food residuals from markets, groceries, or restaurants.

(6) “Food residuals” means source separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable or compostable. “Food residuals” may include preconsumer and postconsumer food scraps. “Food residuals” include meat and meat-related products when the disposition of the products is managed on a farm.

(7) “Secretary” means the Secretary of Agriculture, Food and Markets.

(8) “Source separation” has the same meaning as in 10 V.S.A. § 6602.

§ 5133. FOOD RESIDUALS; RULEMAKING

(a) The Secretary shall regulate the importation of food residuals or food processing residuals onto a farm.

(b)(1) The Secretary shall adopt by rule requirements for the management of food residuals and food processing residuals on a farm. The rules may include requirements regarding:

(A) the proper composting of food residuals or food processing residuals;

(B) destruction of pathogens in food residuals, food processing residuals, or compost;

(C) prevention of public health threat from food residuals, food processing residuals, or compost;

(D) protection of natural resources or the environment; and

(E) prevention of objectionable odors, noise, vectors, or other nuisance conditions.

(2) The Secretary may adopt the rules required by this section as part of the Required Agricultural Practices or as independent rules under this chapter.

(3) The rules shall prohibit a farm from initiating the production of compost from food residuals or food processing residuals imported onto the farm on or after July 1, 2021 within a downtown, village center, new town center, neighborhood development area, or growth center designated under 24 V.S.A. chapter 76a, unless the municipality has expressly allowed composting in the designated area under the municipal zoning or subdivision bylaws or in an approved municipal plan.

(4) The rules adopted under this section shall be designed to reduce odor, noise, vectors, and other nuisance conditions on farms and to protect the public health and the environment in a manner that is equal to or better than the rules for compost facilities in the Agency of Natural Resources’ Vermont Solid Waste Management Rules, as amended.

(c) A farm producing compost under 10 V.S.A. § 6001(22)(H) shall be regulated under this chapter and shall not require a certification or other approval from the Agency of Natural Resources under 10 V.S.A. chapter 159.

Sec. 4. 10 V.S.A. § 6605 is amended to read:

§ 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

(a)(1) No person shall construct, substantially alter, or operate any solid waste management facility without first obtaining certification from the Secretary for such facility, site, or activity, except for sludge or septage treatment or storage facilities located within the fenced area of a domestic wastewater treatment plant permitted under chapter 47 of this title. This exemption for sludge or septage treatment or storage facilities shall exist only if:

* * *

(2) Certification shall be valid for a period not to exceed 10 years.

* * *

(n) A farm producing compost under subdivision 6001(22)(H) is exempt from the requirements of this section.

Sec. 5. 10 V.S.A. § 6605h is amended to read:

§ 6605h. COMPOSTING REGISTRATION

Notwithstanding sections 6605, 6605f, and 6611 of this title, the Secretary may, by rule, authorize a person engaged in the production or management of compost at a small scale composting facility to register with the Secretary instead of obtaining a facility certification under section 6605 or 6605c of this title. This section shall not apply to a farm producing compost under subdivision 6001(22)(H) of this title.

Sec. 6. 10 V.S.A. § 6605j is amended to read:

§ 6605j. ACCEPTED COMPOSTING PRACTICES

(a) The Secretary, in consultation with the Secretary of Agriculture, Food and Markets, shall adopt by rule, pursuant to 3 V.S.A. chapter 25, and shall implement and enforce accepted composting practices for the management of composting in the State. These accepted composting practices shall address:

(1) standards for the construction, alteration, or operation of a composting facility;

(2) standards for facility operation, including acceptable quantities of product or inputs, vector management, odors, noise, traffic, litter control, contaminant management, operator training and qualifications, recordkeeping, and reporting;

(3) standards for siting of composting facilities, including siting and operation of compost storage areas, compost bagging areas, and roads and parking areas;

(4) standards for the composting process, including rotation, management of compost piles, compost pile size, and monitoring of compost operations;

(5) standards for management of runoff from compost facilities, including liquids management from the feedstock area, active composting areas, curing area, and compost storage area; the use of swales or stormwater management around or within a compost facility; vegetative buffer requirements; and run-off management from tipping areas;

(6) specified areas of the State unsuitable for the siting of commercial composting that utilizes post-consumer food residuals or animal mortalities, such as designated downtowns, village centers, village growth areas, or areas of existing residential density; and

(7) definitions of “small-scale composting facility,” “medium-scale composting facility,” and “de minimis composting exempt from regulation.”

(b) A person operating a small scale composting facility ~~or operating a composting facility on a farm~~ who follows the accepted composting practices shall not be required to obtain a discharge permit under section 1263 or 1264 of this title, a solid waste facility certification under chapter 159 of this title, or an air emissions permit under chapter 23 of this title unless a permit is required by federal law or the Secretary of Natural Resources determines that a permit is necessary to protect public health or the environment.

~~(c) The Secretary of Natural Resources shall coordinate with the Secretary of Agriculture, Food and Markets in implementing and enforcing the accepted composting practices. The Secretary of Agriculture, Food and Markets and the Secretary of Natural Resources may, after opportunity for public review and comment, develop a memorandum of understanding for implementation and enforcement of the accepted composting practices. [Repealed.]~~

(d) The Secretary shall not regulate under this section a farm producing compost under subdivision 6001(22)(H) of this title.

Sec. 7. APPLICATION OF SOLID WASTE MANAGEMENT RULES

Prior to adoption of rules under 6 V.S.A. § 5133, the Secretary of Agriculture, Food and Markets shall require a person producing compost on a farm under 10 V.S.A. § 6001(22)(H) to comply with Sections 6–1101 through 6–1111 of the Agency of Natural Resources’ Vermont Solid Waste Management Rules. After adoption of rules under 6 V.S.A. § 5133, Sections

6-1101 through 6-1111 of the Agency of Natural Resources' Vermont Solid Waste Management Rules shall not apply to a person producing compost on a farm under 10 V.S.A. § 6001(22)(H).

Sec. 8. REPORT ON IMPORTATION OF FOOD RESIDUALS FOR
FARMING

On or before January 15, 2022 and annually thereafter, the Secretary of Agriculture, Food and Markets shall submit to the Senate Committees on Agriculture and on Natural Resources and Energy and the House Committees on Agriculture and Forestry and on Natural Resources, Fish, and Wildlife a report regarding importation of food residuals for composting under 10 V.S.A. § 6001(22)(H). The report shall include:

(1) an inventory of the operators of farms that are producing compost under 10 V.S.A. § 6001(22)(H), including the estimated volume of food residuals imported onto farms;

(2) a status report on the rulemaking required under 6 V.S.A. § 5133 and any subsequent amendment to those rules;

(3) an accounting of any complaints regarding or enforcement actions brought against a farm producing compost under 10 V.S.A. § 6001(22)(H); and

(4) any additional information that the Secretary determines is relevant to the administration of compost production under 10 V.S.A. § 6001(22)(H).

Sec. 8a. RULEMAKING; IMPLEMENTATION

The Secretary of Agriculture, Food and Markets shall initiate the rulemaking required under 6 V.S.A. § 5133 on or before January 1, 2022. The Secretary of Agriculture, Food and Markets shall file under 3 V.S.A. § 841 a final proposal of the rules required under 6 V.S.A. § 5133 on or before January 1, 2023.

* * * Dosage Form Animal Health Products; Feed Supplements * * *

Sec. 9. 6 V.S.A. chapter 26 is amended to read:

CHAPTER 26. COMMERCIAL FEEDS

* * *

§ 323. DEFINITIONS

When As used in this chapter:

(1) "Dosage form animal health product" means any product intended to affect the structure or function of the animal's body or enhance or support the

health or well-being of livestock, poultry, dogs, cats, or other domestic animals that does not provide nutritional benefit, does not require a prescription from a licensed veterinarian, is not intended for cosmetic purposes, or is exempted by the Secretary by rule. "Dosage form animal health product" shall not include a product regulated by the U.S. Food and Drug Administration as a drug.

(2) "Brand name" means any word, name, symbol, or device, or any combination thereof, identifying the commercial feed, feed supplement, dosage form animal health product, or a distributor or registrant and distinguishing it from that of others.

~~(2)~~(3) "Commercial feed" means all materials except whole seeds unmixed or physically altered entire unmixed seeds, when not adulterated within the meaning of subsection 327(a) of this title, which that are distributed for use as feed or for mixing in feed. The Secretary by regulation may exempt from this definition, or from specific provisions of this chapter, commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when such commodities, compounds, or substances are not intermixed or mixed with other materials, and are not adulterated within the meaning of subsection 327(a) of this title.

~~(3)~~(4) "Customer-formula feed" means commercial feed that consists of a mixture of commercial feeds or feed ingredients each batch of which is manufactured according to the specific instructions of the final purchaser.

~~(4)~~(5) "Distribute" means to offer for sale, sell, exchange, or barter commercial feed, feed supplements, or dosage form animal health products or to supply, furnish, or otherwise provide commercial feed, feed supplements, or dosage form animal health products through any means, including sales outlets, catalogues, the telephone, the Internet, or any electronic means.

~~(5)~~(6) "Distributor" means any person who distributes commercial feeds, feed supplements, or dosage form animal health products.

~~(6)~~(7) "Drug" means any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in domestic animals other than humans and substances other than feed intended to affect the structure or any function of the animal body.

~~(7)~~(8) "Feed ingredient" means each of the constituent materials making up a commercial feed.

(9) "Feed supplement" means a material used with another to improve the nutritive balance or performance of the total and intended to be fed undiluted as a supplement to other feeds or offered free choice with other parts of the ration separately available or further diluted and mixed to produce a complete feed.

~~(8)~~(10) “Label” means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed, feed supplement, or dosage form animal health product is distributed, or on the invoice or delivery slip with which a commercial feed, feed supplement, or dosage form animal health product is distributed.

~~(9)~~(11) “Labeling” means all labels and other written, printed, or graphic matter upon a commercial feed, feed supplement, or dosage form animal health product or any of its containers, or the wrapper accompanying the commercial feed, feed supplement, or dosage form animal health product or advertisements, brochures, posters, electronic media, the Internet, and television and radio announcements used in promoting the sale of the commercial feed, feed supplement, or dosage form animal health product.

~~(10)~~(12) “Manufacture” means to produce, grind, mix, or blend, or further process a commercial feed, feed supplement, or dosage form animal health product for distribution.

~~(11)~~(13) “Mineral feed” means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

~~(12)~~(14) “Official sample” means a sample of feed taken by the Secretary in accordance with the provisions of subdivision 330(3) of this title.

~~(13)~~(15) “Percent” or “percentages” means percentages by weights.

~~(14)~~(16) “Permitted analytical variances” means those allowances for the inherent variability in sampling and laboratory analysis.

~~(15)~~(17) “Pet” means any domesticated animal normally maintained in or near the household of the owner.

~~(16)~~(18) “Pet food” means any commercial feed prepared and distributed for consumption by pets.

~~(17)~~(19) “Product” means the name of the commercial feed ~~which,~~ feed supplement, or dosage form animal health product that identifies it as to kind, class, or specific use.

~~(18)~~(20) “Specialty pet” means any domesticated animal pet normally maintained in a cage or tank.

~~(19)~~(21) “Specialty pet food” means any commercial feed prepared and distributed for consumption by specialty pets.

~~(20)~~(22) “Ton” means a net weight of 2,000 pounds avoirdupois.

§ 324. REGISTRATION AND FEES

(a) No person shall manufacture or distribute a commercial feed, feed supplement, or dosage form animal health product in this State unless that person has first filed with the ~~Vermont~~ Agency of Agriculture, Food and Markets, in a form and manner to be prescribed by rules by the Secretary:

- (1) the name of the manufacturer or distributor;
- (2) the manufacturer's or distributor's place of business;
- (3) the location of each manufacturing or distribution facility; and
- (4) any other information that the Secretary considers to be necessary.

(b) A person shall not distribute in this State a commercial feed, feed supplement, or dosage form animal health product that has not been registered pursuant to the provisions of this chapter. Application shall be in a form and manner to be prescribed by rule of the Secretary. The Secretary shall have the authority to determine whether a product subject to an application shall be registered as a commercial feed, feed supplement, or dosage form animal health product.

(c)(1) The application for registration of a commercial feed or feed supplement shall be accompanied by a registration fee of \$105.00 per product. The registration fees, along with any surcharges collected under subsection (e)(d) of this section, shall be deposited in the special fund created by subsection 364(e) of this title. Funds deposited in this account shall be restricted to implementing and administering the provisions of this title and any other provisions of the law relating to fertilizer, lime, or seeds. If the Secretary so requests, the application for registration shall be accompanied by a label or other printed matter describing the product.

(2) The application for registration of a dosage form animal health product shall be accompanied by a registration fee of \$50.00 per product. The registration fees, along with any surcharges collected under subsection (d) of this section, shall be deposited in the special fund created by subsection 364(e) of this title. Funds deposited in this account shall be restricted to implementing and administering the provisions of this title and any other provisions of the law relating to items registered under this chapter. If the Secretary so requests, the application for registration shall be accompanied by a label or other printed matter describing the product.

(e)(d) No person shall distribute in this State any commercial feed, feed supplement, or dosage form animal health product required to be registered under this chapter upon which the Secretary has placed a withdrawal from distribution order because of nonregistration. A surcharge of \$10.00, in addition to the registration fee required by subsection (b)(c) of this section, shall accompany the application for registration of each product upon which a

withdrawal from distribution order has been placed for reason of nonregistration, and must be received before removal of the withdrawal from distribution order.

~~(d)~~(e) No person shall distribute a commercial feed product in the State that is labeled as bait or feed for white-tailed deer.

§ 325. LABELING

(a) A commercial feed or feed supplement, except a customer-formula feed, shall be accompanied by a label bearing the following information:

- (1) the net weight;
- (2) the product name and the brand name, if any, under which the commercial feed or feed supplement is distributed;
- (3) the guaranteed analysis as required by rule in section 329 of this title;
- (4) the common, usual name or collective term of each ingredient used in the manufacture of the commercial feed or feed supplement in descending order;
- (5) the name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed or feed supplement;
- (6) adequate directions for use for all commercial feeds or feed supplements containing drugs and for ~~such~~ other feeds as the Secretary may require by rule as necessary for their safe and effective use; and
- (7) precautionary statements required to ~~assure~~ ensure the safe and effective use of the commercial feed or feed supplement.

(b) A dosage form animal health product shall be accompanied by a label bearing the following information:

- (1) the net weight or count;
- (2) the product name and the brand name, if any, under which the dosage form animal health product is distributed;
- (3) the established name of each active ingredient and the amount of active ingredient per serving in descending order;
- (4) the established name of each inactive ingredient in alphabetical order or in descending order by predominance of the ingredient;
- (5) the name, city, and town of the manufacturer or the person responsible for distributing the dosage form animal health product or an e-mail address for the manufacturer or distributor;

(6) adequate directions for use of the dosage form animal health product;

(7) precautionary statements and warnings required to ensure the safe and effective use of the dosage form animal health product; and

(8) structure-function claim stating the intended use of the dosage form animal health product.

(c) Customer-formula feed shall be accompanied by a label, invoice, delivery slip, or other shipping document, bearing the following information:

(1) name and address of the manufacturer;

(2) name and address of the purchaser;

(3) date of delivery;

(4) the name of each commercial feed and each other ingredient used in the mixture;

(5) adequate directions for use for all customer-formula feeds containing drugs and for such other feeds as the Secretary may require by rule to assure ensure their safe and effective use;

(6) the direction for use and precautionary statements;

(7) when a drug-containing product is used:

(A) the purpose of the medication or a claim statement; and

(B) the established name of each active drug ingredient and the level of each drug used in the final mixture; and

(8) the guaranteed analysis as required by rule pursuant to section 329 of this title.

~~(e)~~(d) For purposes of labeling customer-formula feeds, the guaranteed analysis is not required when:

(1) one or more of the ingredients are provided to the manufacturer by the final purchaser; or

(2) the manufacturer uses a guaranteed analysis provided by the final purchaser as part of the specific instructions for blending a customer-formula feed.

§ 326. MISBRANDING

A commercial feed, feed supplement, or dosage form animal health product shall be deemed to be misbranded if:

(1) its labeling is false or misleading in any particular;

(2) it is distributed under the name of another commercial feed, feed supplement, or dosage form animal health product;

(3) it is not labeled as required in section 325 of this title;

(4) it purports to be or is represented as a commercial feed, or if it purports to contain or is represented as containing a commercial feed ingredient, unless the commercial feed or feed ingredient conforms to the definition, if any, prescribed by rule of the Commissioner; or

(5) information required to appear on the label in a conspicuous manner cannot be easily identified or understood under customary conditions of purchase and use.

§ 327. ADULTERATION

(a) A commercial feed including whole seeds shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substance ~~which~~ that may render it injurious to human or animal health, but in case the substance is not an added substance, the commercial feed shall not be considered adulterated under this subsection if the quantity of the substance in the commercial feed does not ordinarily render it injurious to health.

(b) Any other commercial feed, feed supplement, or dosage form animal health product shall be deemed to be adulterated if:

(1) any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor;

(2) its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling;

(3) if use of the product may result in contamination of a raw agricultural product;

(4) it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice and rules promulgated by the Secretary to assure that the drug meets the requirement of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics ~~which~~ that it purports or is represented to possess; or

~~(4)~~(5) it contains viable weed seeds in amounts exceeding the limits that the Secretary shall establish by rule.

§ 328. TONNAGE REPORTING

~~(a) Every person who registers a commercial feed pursuant to the provisions of this chapter shall report to the Agency of Agriculture, Food and~~

~~Markets annually the total amount of combined feed is distributed within the State and which is intended for use within the State. The report shall be made on forms and in a manner to be prescribed by the Secretary for calendar years 2016 and 2017.~~

~~(b) This reporting requirement shall not apply to pet foods, within the meaning of subdivisions 323(16) and (19) of this title, and shall not apply to feeds intended for use outside the State. [Repealed.]~~

§ 329. RULES

(a) The Secretary is authorized to adopt rules establishing procedures or standards, or both, for product registration, labeling, adulteration, reporting, inspection, sampling, guarantees, product analysis, or other conditions necessary for the implementation and enforcement of this chapter. Where appropriate, the rules shall be consistent with the model rules developed by the Association of American Feed Control Officials and regulations adopted by the federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301 et seq.

(b) The official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization, together with any regulation promulgated pursuant to the authority of the federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301 et seq., relevant to the subject matter of this chapter, are hereby adopted as rules under this chapter, together with all subsequent amendments. The Secretary may, by rule, amend or repeal any rule adopted under this subsection.

(c) A person shall not manufacture or distribute raw milk as a commercial feed, feed supplement, or dosage form animal health product in the State for any species unless all of the following conditions are satisfied:

(1) the raw milk shall be decharacterized using a sufficient method to render it distinguishable from products packaged for human consumption;

(2) raw animal feed, feed supplements, dosage form animal health products, or pet food products shall be packaged in containers that are labeled “not for human consumption”;

(3) raw animal feed, feed supplements, dosage form animal health products, or pet food products shall not be stored or placed for retail sale with, or in the vicinity of, milk or milk products intended for human consumption; and

(4) notwithstanding any rule adopted under subsection (b) of this section to the contrary of the provisions of this subsection, the manufacture and distribution of raw animal feed, feed supplements, dosage form animal health

products, or pet food products shall comply with the requirements of this chapter.

§ 330. INSPECTION; SAMPLING; ANALYSIS

(a) For the purpose of enforcing this chapter and determining whether or not an operation may be subject to these provisions, the Secretary upon presenting appropriate credentials is authorized:

(1) to enter any premises during normal business hours where commercial feeds, feed supplements, or dosage form animal health products are manufactured, processed, packed, or held for distribution and to stop and enter any vehicle being used to transport or hold feeds;

(2) to inspect factories, warehouses, establishments, vehicles, equipment, finished and unfinished materials, containers, and labeling;

(3) to sample commercial feed ~~and~~, feed ingredients, feed supplements, or dosage form animal health products.

(b) Sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists or in accordance with other generally recognized methods. The results of all analyses of official samples shall be forwarded by the Secretary to the correspondent named in the registration form and to the purchaser. When the inspection and analysis of an official sample indicates that a commercial feed, feed supplement, or dosage form animal health product has been adulterated or misbranded and upon request within 30 days following receipt of the analysis, the Secretary shall furnish to the registrant a portion of the sample concerned.

§ 331. PRODUCT DEFICIENCY; SHORT WEIGHT

(a) No registrant may produce, package, distribute, or possess any commercial feed, feed supplement, or dosage form animal health product that is short weight or deficient in either guaranteed ingredients or guaranteed analysis. The Secretary by rule shall establish permitted analytical variances that shall be used to determine whether a commercial feed, feed supplement, or dosage form animal health product is deficient.

(b) The Secretary is authorized to assess administrative penalties for any product found to be short weight or deficient in guaranteed analysis. In assessing these penalties, the Secretary shall give consideration to the appropriateness of the penalty with respect to the size of the business being assessed, the gravity of the violation, the good faith of the registrant, and the overall history of prior violations. Administrative penalties shall be paid to the Secretary for deposit and use in the revolving account established by

subsection 364(e) of this title. Penalties shall be assessed in the following manner:

(1) any registrant who is found to have violated this section for a particular product for the first time during any calendar year shall receive an administrative penalty of not more than \$150.00;

(2) any registrant who is found to have violated this section with regard to the same product for the second time during the same calendar year shall receive an administrative penalty of not more than \$300.00; and

(3) any registrant who is found to have violated this section with regard to the same product on three or more occasions during the same calendar year shall receive an administrative penalty of not more than \$500.00.

(c) In assessing a penalty under this section, the Secretary shall issue a written notice of penalty to the registrant setting forth in a short and plain statement the alleged violation and the proposed fine. The notice shall state that the penalty will become final 14 days from the date the notice of penalty is issued unless the registrant requests a hearing before the Secretary.

(d) Any registrant aggrieved by a decision of the Secretary may appeal questions of law to a Superior Court within 30 days of the final decision of the Secretary. The Secretary may enforce a final administrative penalty by filing an action in any District or Superior Court.

§ 332. DETAINED COMMERCIAL FEEDS, FEED SUPPLEMENTS, OR
DOSAGE FORM ANIMAL HEALTH PRODUCTS

(a) ~~“Withdrawal from distribution”~~ Withdrawal from distribution orders. When the Secretary has reasonable cause to believe any lot of commercial feed, feed supplement, or dosage form animal health product is being distributed in violation of any of the provisions of this chapter or any of the rules under this chapter, he or she may issue and enforce a written or printed “withdrawal from distribution” order, warning the distributor not to dispose of the lot of commercial feed, feed supplement, or dosage form animal health product in any manner until written permission is given by the Secretary or the court. The Secretary shall release the lot of commercial feed, feed supplement, or dosage animal health product withdrawn when this chapter and rules have been complied with. If compliance is not obtained within 30 days, the Secretary may begin, or upon request of the distributor or registrant shall begin, proceedings for condemnation.

(b) ~~“Condemnation and confiscation.”~~ Any lot of commercial feed, feed supplement, or dosage form animal health product not in compliance with this chapter and rules shall be subject to seizure on complaint of the Secretary to a

court of competent jurisdiction in the area in which the commercial feed is located. In the event the court finds the commercial feed, feed supplement, or dosage form animal health product to be in violation of this chapter and orders the condemnation of the commercial feed, feed supplement, or dosage form animal health product, it shall be disposed of in any manner consistent with the quality of the commercial feed, feed supplement, or dosage form animal health product and the laws of the State, provided that in no instance shall the disposition of the commercial feed, feed supplement, or dosage form animal health product be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the commercial feed, feed supplement, or dosage form animal health product or for permission to process or relabel the commercial feed, feed supplement, or dosage form animal health product to bring it into compliance with this chapter.

* * *

§ 336. ADMINISTRATIVE PENALTY

Consistent with chapter 1 of this title, the Secretary may assess an administrative penalty upon determining that a person has violated a rule issued under this chapter or has violated this chapter in the following manner:

(1) Distributed a feed, feed supplement, or dosage form animal health product without first obtaining the appropriate product registration.

(2) Distributed a commercial feed, feed supplement, or dosage form animal health product without appropriate labeling.

(3) Violated a cease and desist order.

(4) Failed to meet the product guarantee on the label or for the custom formula feed.

(5) Distributed a commercial feed which, feed supplement, or dosage form animal health product that is adulterated as defined in section 327 of this chapter.

* * * Plant Amendments; Plant Biostimulants; Soil Amendments * * *

Sec. 10. 6 V.S.A. chapter 28 is amended to read:

CHAPTER 28. FERTILIZER AND LIME

§ 361. TITLE

This chapter shall be known as the “Fertilizer and Lime Law of 1986.”

§ 362. ENFORCING OFFICIAL

This chapter shall be administered by the Secretary of Agriculture, Food and Markets, or his or her designee, hereafter referred to as the Secretary.

§ 363. DEFINITIONS

As used in this chapter:

(1) “Agricultural lime” or “agricultural liming material” or “lime” means ~~and includes~~:

(A) all products ~~whose~~ with calcium and magnesium compounds that are capable of neutralizing soil acidity and ~~which~~ that are intended, sold, or offered for sale for agricultural or plant propagation purposes;

(B) limestone consisting essentially of calcium carbonate or a combination of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity; or

(C) industrial waste or industrial by-products ~~which~~ that contain calcium, calcium and magnesium, or calcium, magnesium, and potassium in forms that are capable of neutralizing soil acidity and which are intended, sold, or offered for sale for agricultural purposes. For the purposes of this chapter, the terms “agricultural lime,” “lime,” and “agricultural liming material” shall have the same meaning.

(2) “Brand” means a term, design, or trademark used in connection with one or more grades or formulas of fertilizer, plant amendment, plant biostimulant, soil amendment, or lime.

(3) “Distribute” means to import, consign, manufacture, produce, compound, mix, or blend fertilizer or to offer for sale, sell, barter, or otherwise supply ~~or apply~~ a fertilizer, a plant amendment, a plant biostimulant, a soil amendment, or lime in this State. “Distribute” shall include online sales.

(4) “Distributor” means any person who distributes fertilizer, plant amendments, plant biostimulants, soil amendments, or lime.

(5) “Exceptional quality biosolid” means a product derived in whole or in part from domestic wastes that have been subjected to and meet the requirements of the following:

(A) a pathogen reduction process established in 40 C.F.R. § 503.32(a)(3), (4), (7), or (8);

(B) one of the vector attraction reduction standards established in 40 C.F.R. part 503.33;

(C) the contaminant concentration limits in Vermont Solid Waste Rules § 6-1303(a)(1); and

(D) if derived from a composting process, Vermont Solid Waste Rules § 6-1303(a)(4).

~~(5)~~(6) “Fertilizer” means any substance containing one or more recognized plant nutrients that is used for its plant nutrient content and that is designed for use or claimed to have value in promoting plant growth or health, except unprocessed animal or vegetable manures and other products exempted by the Secretary.

(A) A fertilizer material is a substance that either:

(i) contains important quantities of at least one of the primary plant nutrients: nitrogen, phosphorus, or potassium;

(ii) has 85 percent or more of its plant nutrient content present in the form of a single chemical compound; or

(iii) is derived from a plant or chemical residue or by-product or natural material deposit ~~which~~ that has been processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.

(B) A mixed fertilizer is a fertilizer containing any combination or mixture of fertilizer materials.

(C) A specialty fertilizer is a fertilizer distributed for nonfarm use.

(D) A bulk fertilizer is a fertilizer distributed in a nonpackaged form.

(7) “Formulation” means a material or mixture of materials prepared according to a particular formula.

~~(6)~~(8) “Grade” means the percentage of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or potash stated in whole numbers in the same terms, order, or percentages as in the guaranteed analysis. Specialty fertilizers and fertilizer materials may be guaranteed in fractional terms. Any grade expressed in fractional terms ~~which~~ that is not preceded by a whole number shall be preceded by zero.

~~(7)~~(9) “Guaranteed analysis” means:

(A) in reference to fertilizer, the minimum percentages of plant nutrients claimed by the manufacturer or producer of the product in the following order and form: nitrogen, phosphorus, and potash; and

(B) in reference to agricultural lime or agricultural liming material, the minimum percentages of calcium oxide and magnesium oxide or calcium carbonate and the calcium carbonate equivalent, or both, as claimed by the manufacturer or producer of the product.

~~(8)~~(10) “Label” means the display of all written, printed, or graphic matter upon the immediate container, or a statement accompanying a fertilizer, plant amendment, plant biostimulant, soil amendment, or lime.

~~(9)~~(11) “Labeling” means all written, printed, or graphic material upon or accompanying any ~~lime or~~ fertilizer, plant amendment, plant biostimulant, soil amendment, or lime including advertisements, brochures, posters, and television and radio announcements used in promoting the sale of the ~~lime or~~ fertilizer, plant amendment, plant biostimulant, soil amendment, or lime.

~~(10)~~(12) “Official sample” means any sample of fertilizer, plant amendment, plant biostimulant, soil amendment, or lime taken by the Secretary.

(13) “Plant amendment” means any substance applied to plants or seeds that is intended to improve growth, yield, product quality, reproduction, flavor or other favorable characteristics of plants, except for fertilizer, soil amendments, agricultural liming materials, animal and vegetable manures, pesticides, plant regulators, and other materials exempted by rule adopted under this chapter.

(14) “Plant biostimulant” means a substance or microorganism that, when applied to seeds, plants, or the rhizosphere, stimulates natural processes to enhance or benefit nutrient uptake, nutrient efficiency, tolerance to abiotic stress, or crop quality and yield except for fertilizers, soil amendments, plant amendments, or pesticides. The Secretary may modify the definition of “plant biostimulant” by rule or procedure in order to maintain consistency with U.S. Department of Agriculture requirements.

~~(11)~~(15) “Percent” or “percentage” means the percentage by weight.

~~(12)~~(16) “Primary nutrient” includes nitrogen, available phosphoric acid or phosphorus, and soluble potash or potassium.

~~(13)~~(17) “Product” means the name of the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime ~~which~~ that identifies it as to kind, class, or specific use.

~~(14)~~(18) “Registrant” means the person who registers fertilizers a fertilizer, plant amendment, plant biostimulant, soil amendment, or lime under the provisions of this chapter.

(19) “Soil amendment” means a substance or mixture of substance that is intended to improve the physical, chemical, biological, or other characteristics of the soil, except fertilizers, agricultural liming materials, unprocessed animal manures, unprocessed vegetable manures, pesticides, plant biostimulants, and other materials exempted by rule. A compost product from

a facility under the jurisdiction of the Agency of Natural Resources' Solid Waste Management Rules or exceptional quality biosolids shall not be regulated as a soil amendment under this chapter, unless marketed and distributed for the use in the production of an agricultural commodity.

~~(15)~~(20) "Ton" means a net weight of 2,000 pounds avoirdupois.

~~(16)~~(21) "Use" includes all purposes for which a fertilizer, plant amendment, plant biostimulant, soil amendment, or lime is applied.

~~(17)~~(22) "Weight" means the weight of undried material as offered for sale.

§ 364. REGISTRATION

(a) Each brand or grade or formula of fertilizer, plant amendment, plant biostimulant, or soil amendment shall be registered in the name of the person whose name appears upon the label before being distributed in this State. The application for registration shall be submitted to the Secretary on a form furnished by the Agency of Agriculture, Food and Markets and shall be accompanied by a fee of ~~\$20.00 per nutrient or recognized plant food element to a maximum of \$140.00 per brand or grade~~ \$85.00 per grade or formulation registered. Upon approval by the Secretary, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year. The application shall include the following information:

- (1) the brand and grade or formulation;
- (2) the guaranteed analysis if applicable; and
- (3) the name and address of the registrant.

(b) A distributor shall not be required to register any fertilizer ~~which, plant amendment, plant biostimulant, or soil amendment that~~ is already registered under this chapter by another person, provided there is no change in the label for the fertilizer, plant amendment, plant biostimulant, or soil amendment.

(c) A distributor shall not be required to register each grade of fertilizer formulated or each formulation of soil amendment according to specifications ~~which that~~ are furnished by a consumer prior to mixing, but shall be required to label the fertilizer or soil amendment as provided in subsection 365(b) of this title.

(d) The Secretary may request additional proof of testing of products prior to registration for guaranteed analyses or adulterants.

(e) Each separately identified agricultural lime product shall be registered before being distributed in this State. Registration shall be performed in the

same manner as fertilizer registration except that each application shall be accompanied by a fee of \$50.00 per product.

~~(e)~~(f) The registration and tonnage fees, along with any deficiency penalties collected pursuant to sections 331 and 372 of this title, shall be deposited in a special fund. Funds deposited in this fund shall be restricted to implementing and administering the provisions of this title and any other provisions of law relating to feeds and seeds.

§ 365. LABELS

(a)(1) Any fertilizer or agricultural lime distributed in this State in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:

(A) net weight;

(B) brand and grade, provided that grade shall not be required when no primary nutrients are claimed;

(C) guaranteed analysis; and

(D) name and address of the registrant.

(2) For bulk shipments, this information in written or printed form shall accompany delivery and be supplied to the purchaser at the time of delivery.

(b) A fertilizer or lime formulated according to specifications furnished by a consumer prior to mixing shall be labeled to show: the net weight, the guaranteed analysis or name, analysis and weight of each ingredient used in the mixture, and the name and address of the distributor and purchaser.

~~(c)~~(1) If the Secretary finds that a requirement for expressing calcium and magnesium in elemental form would not impose an economic hardship on distributors and users of agricultural liming materials by reason of conflicting label requirements among states, he or she may require by rule that the minimum percent of calcium oxide and magnesium oxide or calcium carbonate and magnesium carbonate, or both, shall be expressed in the following terms:

Total Calcium (Ca) percent

Total Magnesium (Mg) percent

~~(2) Under this rule, an affected person shall be given a reasonable time to come into compliance.~~

(d)(1) Any plant amendment, plant biostimulant, or soil amendment distributed in this State in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:

- (A) net weight or volume;
- (B) brand name;
- (C) purpose of product;
- (D) directions for application;
- (E) guaranteed analysis; and
- (F) name and address of the registrant.

(2) For bulk shipments of fertilizer, plant amendments, plant biostimulants, soil amendments, or lime, the information required under this subsection shall accompany delivery in written or printed form and shall be supplied to the purchaser at the time of delivery.

(4) Under ~~this~~ a rule adopted under this subsection, an affected person shall be given a reasonable time to come into compliance.

§ 366. TONNAGE FEES

(a) A person distributing fertilizer to a nonregistrant consumer in the State annually shall pay the following fees to the Secretary:

- (1) a \$150.00 minimum tonnage fee;
- (2) \$0.50 per ton of agricultural fertilizer distributed; and
- (3) \$30.00 per ton of nonagricultural fertilizer distributed.

(b) Persons distributing fertilizer shall report annually on or before January 15 for the previous year ending December 31 to the Secretary revealing the amounts of each grade of fertilizer and the form in which the fertilizer was distributed within this State. Each report shall be accompanied with payment and written permission allowing the Secretary to examine the person's books for the purpose of verifying tonnage reports.

(c) No information concerning tonnage sales furnished to the Secretary under this section shall be disclosed in such a way as to divulge the details of the business operation to any person unless it is necessary for the enforcement of the provisions of this chapter.

(d) Persons distributing a plant amendment, plant biostimulant, or soil amendment in the State shall report annually on or before January 15 for the previous year ending December 31 to the Secretary revealing the amounts of each formulation of plant amendment, plant biostimulant, or soil amendment and the form in which the plant amendment, plant biostimulant, or soil amendment was distributed within this State. Each report shall include a written authorization allowing the Secretary to examine the person's books for

the purpose of verifying tonnage reports. Plant amendments, plant biostimulants, and soil amendments are exempt from tonnage fees.

(e) Agricultural limes, including agricultural lime mixed with wood ash, are exempt from the tonnage fees required in this section.

(f) Lime and wood ash mixtures may be registered as agricultural liming materials and guaranteed for potassium or potash, provided that the wood ash totals less than 50 percent of the mixture.

(g)(1) All fees collected under subdivisions (a)(1) and (2) of this section shall be deposited in the special fund created by subsection 364(e) of this title and used in accordance with its provisions.

(2) All fees collected under subdivision (a)(3) of this section shall be deposited in the Agricultural Water Quality Special Fund created under section 4803 of this title.

(h) [Repealed.]

§ 367. INSPECTION; SAMPLING; ANALYSIS

For the purpose of enforcing this chapter and determining whether or not fertilizers, plant amendments, plant biostimulants, soil amendments, and limes lime distributed in this State endanger the health and safety of Vermont citizens, the Secretary upon presenting appropriate credentials is authorized:

(1) To enter any public or private premises except domiciles during regular business hours and stop and enter any vehicle being used to transport or hold fertilizer, a plant amendment, a plant biostimulant, a soil amendment, or lime.

(2) To inspect blending plants, warehouses, establishments, vehicles, equipment, finished or unfinished materials, containers, labeling, and records relating to distribution, storage, or use.

(3) To sample and analyze any fertilizer, plant amendment, plant biostimulant, soil amendment, or lime. The methods of sampling and analysis shall be those adopted by the Association of Official Analytical Chemists. In cases not covered by this method or in cases where methods are available in which improved applicability has been demonstrated, the Secretary may authorize and adopt methods which reflect sound analytical procedures.

(4) To develop any reasonable means necessary to monitor and adopt rules for the use of fertilizers and agricultural limes, plant amendments, plant biostimulants, soil amendments, and lime on Vermont soils where monitoring indicates environmental or health problems. In addition, the Secretary may develop and adopt rules for the proper storage of fertilizers and limes, plant

amendments, plant biostimulants, soil amendments, and lime held for distribution or sale.

§ 368. MISBRANDING

(a) No person shall distribute a misbranded fertilizer, plant amendment, plant biostimulant, soil amendment, or agricultural lime. A fertilizer, plant amendment, plant biostimulant, or soil amendment shall be deemed to be misbranded if:

(1) its labeling is false or misleading in any particular;

(2) it is distributed under the name of another fertilizer product, plant amendment, plant biostimulant, or soil amendment;

(3) it contains unsubstantiated claims;

(4) it is not labeled as required in section 365 of this title and in accordance with rules adopted under this chapter; or

~~(4)~~(5) it is labeled, or represented, to contain a plant nutrient ~~which~~ that does not conform to the standard of identity established by rule. In adopting ~~these~~ rules under this chapter, the Secretary shall give consideration to definitions recommended by the Association of American Plant Food Control Officials.

(b) An agricultural lime shall be deemed to be misbranded if:

(1) its labeling is false or misleading in any particular; or

(2) it is not labeled as required by section 365 of this title and in accordance with rules adopted under this chapter.

§ 369. ADULTERATION

No person shall distribute an adulterated lime, plant amendment, plant biostimulant, soil amendment, or fertilizer product. A fertilizer, plant amendment, plant biostimulant, soil amendment, or lime shall be deemed to be adulterated if:

(1) it contains any deleterious or harmful ingredient in an amount sufficient to render it injurious to beneficial plant life when applied in accordance with directions for use on the label, or if uses of the product may result in contamination or condemnation of a raw agricultural commodity by use, or if adequate warning statements or directions for use ~~which~~ that may be necessary to protect plant life are not shown on the label;

(2) its composition falls below or differs from that which it is purported to possess by its labeling;

(3) it contains crop seed or weed seed; or

(4) it contains heavy metals, radioactive substances, or synthetic organics in amounts sufficient to render it injurious to livestock or human health when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use ~~which~~ that may be necessary to protect livestock or human health are not shown on the label.

§ 370. PUBLICATION; CONSUMER INFORMATION REGARDING
FERTILIZER USE ON NONAGRICULTURAL TURF OF
FERTILIZER, PLANT AMENDMENTS, PLANT
BIOSTIMULANTS, AND SOIL AMENDMENTS

(a) The Secretary shall publish on an annual basis:

(1) information concerning the distribution of fertilizers, plant amendments, plant biostimulants, soil amendments, and limes; and

(2) results of analyses based on official samples of fertilizers, plant amendments, plant biostimulants, soil amendments, and lime distributed within the State as compared with guaranteed analyses required pursuant to the terms of this chapter.

(b)(1) The Secretary, in consultation with the University of Vermont Extension, fertilizer industry representatives, lake groups, and other interested or affected parties, shall produce information for distribution to the general public with respect to the following:

(A) problems faced by the waters of the State because of discharges of phosphorus;

(B) an explanation of the extent to which phosphorus exists naturally in the soil;

(C) voluntary best management practices for the use of fertilizers containing phosphorus on nonagricultural turf; and

(D) best management practices for residential sources of phosphorus.

(2) The Secretary shall develop the information required under this subsection and make it available to the general public in the manner deemed most effective, which may include:

(A) conspicuous posting at the point of retail sale of fertilizer containing phosphorus, according to recommendations for how that conspicuous posting may best take place;

(B) public service announcements by means of electronic media;

(C) other methods deemed by the Secretary to be likely to be effective.

~~(3) The Secretary shall develop proposed criteria for evaluating the effectiveness of the information program and shall present them to legislative committees on natural resources and energy and on agriculture by no later than January 1, 2007. By no later than July 1, 2007, the Secretary shall hold one or more public information meetings to obtain the input of the public on a draft assessment of the effectiveness of this section in increasing the use of best management practices in the use of fertilizers on nonagricultural turf. By no later than December 1, 2008, the Secretary shall provide those legislative committees with a final assessment of the effectiveness of this subsection, which shall include an analysis of the extent to which the information developed under this subsection has been effectively provided to and relied upon by retail customers who purchase fertilizers containing phosphorus and shall include any recommendations for making the program more effective. [Repealed.]~~

~~§ 371. RULES; ENFORCEMENT~~

~~The Secretary is authorized to adopt rules pursuant to 3 V.S.A. chapter 25 as may be necessary to implement the intent of this chapter and to enforce those rules.~~

~~* * *~~

~~§ 374. SHORT WEIGHT~~

~~(a) If any fertilizer, plant amendment, plant biostimulant, soil amendment, or agricultural liming material is found to be short in net weight, the registrant of the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime shall pay a penalty of three times the value of the actual shortage to the affected party.~~

~~(b) Each registrant shall be offered an opportunity for a hearing before the Secretary. Penalty payments shall be made within 30 days after notice of the Secretary's decision to assess a penalty. Proof of payment to the consumer shall be promptly forwarded to the Secretary by the registrant.~~

~~(c) If the consumer cannot be found, the amount of the penalty payments shall be paid to the Secretary who shall deposit the payment into the revolving account established by subsection 364(e) of this title.~~

~~(d) This section is not an exclusive cause of action and persons affected may utilize any other right of action available under law.~~

§ 375. CANCELLATION OF REGISTRATION

The Secretary is authorized to cancel or suspend the registration of any fertilizer, plant amendment, plant biostimulant, soil amendment, or liming material ~~lime~~ or refuse a registration application if he or she finds that the provisions of this chapter or the rules adopted under this chapter have been violated, provided that no registration shall be revoked or refused without a hearing before the Secretary.

§ 376. DETAINED FERTILIZER AND LIME

(a) “Withdrawal from distribution” orders. When the Secretary has reasonable cause to believe any lot of fertilizer, plant amendment, plant biostimulant, soil amendment, or lime is being distributed in violation of any of the provisions of this chapter or any of the rules under this chapter, he or she may issue and enforce a written or printed “withdrawal from distribution” order, warning the distributor not to dispose of the lot of fertilizer, plant amendment, plant biostimulant, soil amendment, or lime in any manner until written permission is given by the Secretary or the court. The Secretary shall release the lot of fertilizer, plant amendment, plant biostimulant, soil amendment, or lime withdrawn when this chapter and rules have been complied with. If compliance is not obtained within 30 days, the Secretary may begin, or upon request of the distributor or registrant shall begin, proceedings for condemnation.

(b) “Condemnation and confiscation.” Any lot of fertilizer, plant amendment, plant biostimulant, soil amendment, or lime not in compliance with this chapter and rules shall be subject to seizure on complaint of the Secretary to a court of competent jurisdiction in the area in which the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime is located. In the event the court finds the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime to be in violation of this chapter and orders the condemnation of the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime, it shall be disposed of in any manner consistent with the quality of the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime and the laws of the State, provided that in no instance shall disposition of the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime or for permission to process or relabel the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime to bring it into compliance with this chapter.

* * *

§ 379. EXCHANGES BETWEEN MANUFACTURERS

Nothing in this chapter shall be construed to restrict or impair sales or exchanges of fertilizers, plant amendments, plant biostimulants, or soil amendments to each other by importers, manufacturers, or manipulators who mix fertilizer materials, plant amendments, plant biostimulants, or soil amendments for sale, or to prevent the free and unrestricted shipments of fertilizer, plant amendments, plant biostimulants, or soil amendments to manufacturers or manipulators who have registered their brands as required by provisions of this chapter.

§ 380. ADMINISTRATIVE PENALTY

Consistent with chapter 1 of this title, the Secretary may assess an administrative penalty upon determining that a person has violated a rule issued under this chapter or has violated this chapter in the following manner:

(1) distributed a specialty fertilizer, plant amendment, plant biostimulant, soil amendment, or lime without first obtaining the appropriate product registration;

(2) distributed a fertilizer, plant amendment, plant biostimulant, soil amendment, or lime without appropriate labeling;

(3) failed to report or to accurately report the amount and form of each grade of fertilizer distributed in Vermont on an annual basis;

(4) failed to report or to accurately report the amount and form of each formulation of plant amendment, plant biostimulant, or soil amendment;

(5) failed to pay the appropriate tonnage fee; or

(5)(6) violated a cease and desist order.

§ 381. GOLF COURSES; NUTRIENT MANAGEMENT PLAN

~~Beginning July 1, 2012, as~~ As a condition of the permit issued to golf courses under chapter 87 of this title and ~~regulations~~ rules adopted thereunder, a golf course shall be required to submit to the Secretary of Agriculture, Food and Markets a nutrient management plan for the use and application of fertilizer to grasses or other lands owned or controlled by the golf course. The nutrient management plan shall ensure that the golf course applies fertilizer according to the agronomic rates for the site-specific conditions of the golf course.

* * * Effective Dates * * *

Sec. 11. EFFECTIVE DATES

(a) This section and Secs. 1–8a (compost foraging; farming) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2021.

Rep. Canfield of Fair Haven, for the Committee on Ways and Means, recommended that the report of the Committee on Agriculture and Forestry be amended in Sec. 9, 6 V.S.A. chapter 26, in section 324, in subsection (c), in subdivision (2), by striking out “\$50.00” and inserting in lieu thereof “\$35.00”

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 Committees on Agriculture and Forestry and on Ways and Means.

The bill having appeared on the Calendar for Notice was taken up, read the second time, and the report of the Committee on Agriculture and Forestry was amended as recommended by the Committee on Ways and Means.

Thereupon, **Rep. O'Brien of Tunbridge** moved to further amend the report of the Committee on Agriculture and Forestry, as amended, as follows:

First: In Sec. 9, 6 V.S.A. chapter 26, in section 324, in subsection (c), in subdivision (1), by striking out “364(e)” and inserting in lieu thereof “365(e)(f)”

and in subdivision (2), by striking out “364(e)” and inserting in lieu thereof “364(f)”

Second: In Sec. 9, 6 V.S.A. chapter 26, in section 331, in subsection (b), by striking out “364(e)” and inserting in lieu thereof “365(e)(f)”

Third: In Sec. 10, 6 V.S.A. chapter 28, in section 366, in subsection (g), in subdivision (1), by striking out “364(e)” and inserting in lieu thereof “365(e)(f)”

Fourth: In Sec. 10, 6 V.S.A. chapter 28, in section 374, in subsection (c), by striking out “364(e)” and inserting in lieu thereof “365(e)(f)”

Fifth: By adding three new sections to be Secs. 10a–10c to read as follows:

Sec. 10a. 6 V.S.A. § 372(d) is amended to read:

(d) If the consumer cannot be found, the amount of the penalty payments shall be paid to the Secretary who shall deposit the payment into the revolving account established by subsection 364(e)(f) of this title.

Sec. 10b. 6 V.S.A. § 570(c) is amended to read:

(c) The registration fees collected under this section shall be deposited in the special fund created by subsection 364(e)(f) of this title and shall be used for the administration of the requirements of this chapter.

Sec. 10c. 6 V.S.A. § 648(e) is amended to read:

(e) All fees shall be deposited in the special fund created by subsection 364(e)(f) of this title and used in accordance with its provisions.

Which was agreed to. Thereupon, the report of the Committee on Agriculture and Forestry, as amended, was agreed to and third reading was ordered.

Second Reading; Consideration Interrupted

S. 107

Rep. Colston of Winooski, for the Committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to confidential information concerning the initial arrest and charge of a juvenile

Reported in favor of its passage in concurrence with proposal of amendment as follows:

In Sec. 2, 1 V.S.A. § 317, in subsection (c), in subdivision (5)(B), by striking out subdivision (ii) in its entirety and inserting in lieu thereof a new subdivision (ii) to read:

(ii) A public agency shall not release any information within a record reflecting the initial arrest or charge of a person under ~~19~~ 20 years of age that would reveal the identity of the person. However, a public agency may disclose identifying information relating to the initial arrest of a person under ~~19~~ 20 years of age in order to protect the health and safety of any person.

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

Recess

At five o'clock and sixteen minutes in the evening, the Speaker declared a recess until the fall of the gavel.

At five o'clock and thirty-two minutes in the evening, the Speaker called the House to order.

**Consideration Resumed;
Proposal of Amendment Agreed to; Third Reading Ordered**

S. 107

Consideration resumed on Senate bill, entitled

An act relating to confidential information concerning the initial arrest and charge of a juvenile

Thereupon, the report of the Committee on Government Operations was agreed to on a vote by division: Yeas, 88; Nays, 36. Thereafter, third reading was ordered.

**Favorable Report; Second Reading;
Third Reading Ordered**

S. 99

Rep. Leffler of Enosburgh, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to repealing the statute of limitations for civil actions based on childhood physical abuse

Reported in favor of its passage in concurrence.

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

Senate Proposal of Amendment Concurred in

H. 145

The Senate proposed to the House to amend House bill, entitled

An act relating to amending the standards for law enforcement use of force

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

First: By striking out Sec. 4, 13 V.S.A. § 2305, in its entirety and inserting in lieu thereof the following:

Sec. 4. 13 V.S.A. § 2305 is amended to read:

§ 2305. JUSTIFIABLE HOMICIDE

If a person kills or wounds another under any of the circumstances enumerated below, he or she shall be guiltless:

(1) in the just and necessary defense of ~~his or her~~ the person's own life or the life of ~~his or her husband, wife~~ the person's spouse, parent, child, ~~brother, sister, master, mistress, servant~~ sibling, guardian, or ward; or

(2) if the person reasonably believed that he or she was in imminent peril and that it was necessary to repel that peril with deadly force, in the forceful or violent suppression of a person attempting to commit murder, sexual assault, aggravated sexual assault, burglary, or robbery, with force or violence; or

(3) in the case of a civil officer; or a military officer or private soldier when lawfully called out to suppress riot or rebellion, or to prevent or suppress invasion, or to assist in serving legal process, in suppressing opposition against him or her in the just and necessary discharge of his or her duty law enforcement officer as defined in 20 V.S.A. § 2351(a) using force in compliance with 20 V.S.A. § 2368(b)(1)–(2), and (5) or deadly force in compliance with 20 V.S.A. § 2368(c)(1)–(4) and (6).

Second: In Sec. 8, effective dates, in subsection (b), by striking out the word “September” and inserting in lieu thereof the word October

The proposal of amendment was considered and concurred in.

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 twenty-ninth day of April, 2021, he signed bills originating in the House of the following titles:

H. 20 An act relating to pretrial risk assessments and pretrial services

H. 151 An act relating to vital records, mausoleums and columbaria, and emergency health orders

H. 154 An act relating to the failure of municipal officers to accept office

Message from the Senate No. 51

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 considered House proposal of amendment to Senate bill of the following title:

S. 45. An act relating to earned discharge from probation.

And has concurred therein.

Adjournment

At six o'clock and fourteen 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, April 30, 2021

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

Devotional Exercises

A moment of silence was held in lieu of a devotional.

House Bill Introduced

H. 452

By Reps. Strong of Albany, Batchelor of Derby, Higley of Lowell, and LaClair of Barre Town,

House bill, entitled

An act relating to prohibiting the use of COVID-19 vaccine passports

Was read the first time and referred to the Committee on Health Care.

Bill Referred to Committee on Ways and Means

S. 13

Senate bill, entitled

An act relating to the implementation of the Pupil Weighting Factors Report

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

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 140

House bill, entitled

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

H. 361

House bill, entitled

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

**Third Reading; Bills Passed in Concurrence
With Proposals of Amendment**

Senate bills of the following titles were taken up, read the third time, and passed in concurrence with proposals of amendment:

S. 107

Senate bill, entitled

An act relating to confidential information concerning the initial arrest and charge of a juvenile

S. 1

Senate bill, entitled

An act relating to extending the baseload renewable power portfolio requirement

S. 86

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

Third Reading; Bill Passed in Concurrence

S. 99

Senate bill, entitled

An act relating to repealing the statute of limitations for civil actions based on childhood physical abuse

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

**Amendment to Proposal of Amendment Agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 102

Senate bill, entitled

An act relating to the regulation of agricultural inputs for farming

Was taken up, and pending third reading of the bill, **Rep. Partridge of Windham** moved to amend the House proposal of amendment as follows:

First: In Sec. 9, 6 V.S.A. chapter 26, in section 324, in subsection (c), in subdivision (1), by striking out “365(e)(f)” and inserting in lieu thereof “364(e)(f)”

Second: In Sec. 9, 6 V.S.A. chapter 26, in section 331, in subsection (b), by striking out “365(e)(f)” and inserting in lieu thereof “364(e)(f)”

Third: In Sec. 10, 6 V.S.A. chapter 28, in section 366, in subsection (g), in subdivision (1), by striking out “365(e)(f)” and inserting in lieu thereof “364(e)(f)”

Fourth: In Sec. 10, 6 V.S.A. chapter 28, in section 374, in subsection (c), by striking out “365(e)(f)” and inserting in lieu thereof “364(e)(f)”

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

**Favorable Reports; Second Reading;
Third Reading Ordered**

S. 39

Rep. Lefebvre of Orange, for the Committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to the Judicial Branch fee report and electronic filing fees

Reported in favor of its passage in concurrence.

Rep. Mattos of Milton, for the Committee on Ways and Means, reported in favor of its passage in concurrence.

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

Senate Proposal of Amendment Concurred in

H. 18

The Senate proposed to the House to amend House bill, entitled

An act relating to sexual exploitation of children

The Senate proposes 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. § 2821 is amended to read:

 § 2821. DEFINITIONS

As used in this chapter:

(1) “Child” means any person under 16 years of age.

(2) “Sexual conduct” means any of the following:

(A) any conduct involving contact between the penis and the vulva, the penis and the penis, the penis and the anus, the mouth and the penis, the mouth and the anus, the vulva and the vulva, or the mouth and the vulva;

(B) any intrusion, however slight, by any part of a person’s body or any object into the genital or anal opening of another with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desire of any person;

(C) any intentional touching, not through the clothing, of the genitals, anus, or breasts of another with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desire of any person;

(D) masturbation;

(E) bestiality; or

(F) sadomasochistic abuse for sexual purposes; or

(G) any simulation of the conduct described in subdivisions (2)(A)–(F) of this section.

* * *

(7)(A) “Simulation” means the explicit depiction of any conduct described in subdivisions (2)(A)–(F) of this section that:

(i) involves a child as defined in subdivision (1) of this section;

(ii) creates the appearance of such conduct; and

(iii) exhibits naked genitals, buttocks, or breasts below the top of the areola.

(B) “Simulation” does not include paintings, drawings, or nonvisual or written descriptions of sexual conduct.

(C) “Simulation” applies only to conduct.

Sec. 2. 13 V.S.A. § 2638 is added to read:

§ 2638. IMMUNITY FROM LIABILITY

(a) As used in this section:

(1) “Human trafficking” has the same meaning as in section 2651 of this title.

(2) “Prostitution” has the same meaning as in section 2631 of this title.

(b) A person who, in good faith and in a timely manner, reports to law enforcement that the person is a victim of or a witness to a crime that arose from the person’s involvement in prostitution or human trafficking shall not be cited, arrested, or prosecuted for a violation of the following offenses:

(1) section 2632 of this title (prostitution);

(2) section 2601a of this title (prohibited conduct);

(3) 18 V.S.A. § 4230(a)(1)–(3) (cannabis possession);

(4) 18 V.S.A. § 4231(a)(1) and (2) (cocaine possession);

(5) 18 V.S.A. § 4232(a)(1) and (2) (LSD possession);

(6) 18 V.S.A. § 4233(a)(1) and (2) (heroin possession);

(7) 18 V.S.A. § 4234(a)(1) and (2) (depressant, stimulant, and narcotic drugs possession);

(8) 18 V.S.A. § 4234a(a)(1) and (2) (methamphetamine possession);

(9) 18 V.S.A. § 4235(b)(1) (hallucinogenic drugs possession); and

(10) 18 V.S.A. § 4235a(a)(1) (Ecstasy possession).

(c) The immunity provisions of this section apply only to the use and derivative use of evidence gained as a proximate result of the person reporting to law enforcement that the person is a victim of or a witness to a crime that arose from the person’s involvement in prostitution or human trafficking and do not preclude prosecution of the person on the basis of evidence obtained from an independent source.

(d) A person who qualifies for immunity pursuant to subsection (b) or (c) of this section shall not be subject to the provisions of 18 V.S.A. chapter 84, subchapter 2 concerning property subject to forfeiture, except that prima facie contraband shall be subject to forfeiture.

(e) Except in cases of reckless or intentional misconduct, law enforcement shall be immune from liability for citing or arresting a person who is later determined to qualify for immunity under this section.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

And that after passage the title of the bill be amended to read:

An act relating to sexual exploitation of children and limited immunity from liability for a person reporting a crime.

Proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment to House Proposal of Amendment
Concurred in**

S. 88

The Senate concurred in the House proposal of amendment with further proposal of amendment on Senate bill, entitled

An act relating to insurance, banking, and securities

The Senate has concurred in the House proposal of amendment with further proposal of amendment as follows:

First: By striking out Sec. 33 in its entirety and inserting in lieu thereof a new Sec. 33 to read as follows:

Sec. 33. REPORT; MINIMUM NONFORFEITURE INTEREST RATE

On or before January 15, 2022, the Commissioner of Financial Regulation shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Finance a report containing his or her findings and recommendations on whether to decrease the statutory minimum nonforfeiture interest rate applicable to individual deferred annuities under 8 V.S.A. § 3750(d)(1)(C)(iii) from one percent to 0.15 percent.

Second: By striking out Sec. 33a in its entirety and inserting the following:

Sec. 33a. [Deleted]

Third: By striking out Sec. 35 in its entirety and inserting in lieu thereof a new section Sec. 35 to read as follows:

Sec. 35. EFFECTIVE DATES; APPLICATION

This act shall take effect on passage, except that:

(1) Sec. 31 (8 V.S.A. chapter 110; dental insurance) shall take effect on January 1, 2022 and shall apply to all contracts and participating provider agreements between a dental insurer or third-party administrator and a dentist that are entered into on or after that date and to all dental insurance plans issued on and after January 1, 2022 on such date as a dental insurer offers, issues, or renews the plan, but in no event later than January 1, 2023; and

(2) Sec. 32 (18 V.S.A. § 9422; credit card payments optional for providers) shall take effect on January 1, 2022.

Proposal of amendment was considered and concurred in.

Adjournment

At ten o'clock and twenty-two minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Monday, May 3, 2021, at two o'clock in the afternoon, pursuant to the provisions of J.R.S 26.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 52

House concurrent resolution congratulating the Champlain Valley Union High School Redhawks girls' cross-country team on winning a 12th consecutive Division 1 championship

H.C.R. 53

House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks boys' golf team on winning its third consecutive Division I championship

H.C.R. 54

House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks Division I boys' cross-country championship team

H.C.R. 55

House concurrent resolution honoring the Cystic Fibrosis Lifestyle Foundation for its achievements on behalf of persons with cystic fibrosis

H.C.R. 56

House concurrent resolution honoring Elaine Pinckney for her illustrious career in public education

H.C.R. 57

House concurrent resolution honoring former Arlington Selectboard Chair Keith Squires and former Arlington School Board Chair Donna Squires for their dedicated municipal civic service

S.C.R. 5

Senate concurrent resolution designating May 2021 as Mental Health Awareness Month in Vermont

[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 2021, seventy-sixth Biennial session.]

Monday, May 3, 2021

At two o'clock in the afternoon the Speaker called the House to order. Noting a lack of quorum, the House adjourned pursuant to Rule 9.

Message from the Senate No. 52

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 considered a bill originating in the House of the following title:

H. 89. An act relating to limiting liability for agritourism.

And has passed the same in concurrence.

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

H. 46. An act relating to miscellaneous provisions of mental health law.

H. 104. An act relating to considerations in facilitating the interstate practice of health care professionals using telehealth.

H. 108. An act relating to Vermont standards for issuing a Clean Water Act section 401 certification.

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 on its part adopted Senate concurrent resolution of the following title:

S.C.R. 5. Senate concurrent resolution designating May 2021 as Mental Health Awareness Month in Vermont.

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

H.C.R. 52. House concurrent resolution congratulating the Champlain Valley Union High School Redhawks girls' cross-country team on winning a 12th consecutive Division 1 championship.

H.C.R. 53. House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks boys' golf team on winning its third consecutive Division I championship.

H.C.R. 54. House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks Division I boys' cross-country championship team.

H.C.R. 55. House concurrent resolution honoring the Cystic Fibrosis Lifestyle Foundation for its achievements on behalf of persons with cystic fibrosis.

H.C.R. 56. House concurrent resolution honoring Elaine Pinckney for her illustrious career in public education.

H.C.R. 57. House concurrent resolution honoring former Arlington Selectboard Chair Keith Squires and former Arlington School Board Chair Donna Squires for their dedicated municipal civic service.

Message from the Senate No. 53

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 passed Senate bill of the following title:

S. 100. An act relating to universal school breakfast and the creation of the Task Force on Universal School Lunch.

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

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

H. 171. An act relating to the governance and financing of Vermont's child care system.

H. 439. An act relating to making appropriations for the support of government.

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

Tuesday, May 4, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Wood of Waterbury.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Senate Bill Referred

S. 100

Senate bill, entitled

An act relating to universal school breakfast and the creation of the Task Force on Universal School Lunch

Was read the first time and referred to the Committee on Education.

Bills Referred to Committee on Appropriations

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

S. 3

Senate bill, entitled

An act relating to competency to stand trial and insanity as a defense

S. 15

Senate bill, entitled

An act relating to correcting defective ballots

House Resolution Placed on Calendar

H.R. 10

House resolution, entitled

House resolution reaffirming the friendship between Vermont and the Republic of China (Taiwan) and supporting enhanced United States–Taiwan bilateral relations and Taiwan’s role in the international community

Offered by: Representatives Partridge of Windham, Ancel of Calais, and Webb of Shelburne

Whereas, the United States and the Republic of China (Taiwan) share a vibrant bilateral relationship marked by a mutually beneficial partnership, supported by our common values of freedom, democracy, the rule of law, and a free market economy, and

Whereas, the United States is Taiwan’s second-largest trading partner; Taiwan is the tenth-largest goods trading partner of the United States; and bilateral trade in goods and services between the United States and Taiwan totaled approximately \$103.9 billion in 2019, and

Whereas, President Tsai Ing-wen has expressed Taiwan’s desire to reach a Bilateral Trade Agreement with the United States that will benefit the Vermont–Taiwan trade relationship, and

Whereas, Vermont and Taiwan have enjoyed vibrant bilateral relations that include: Taiwan being Vermont’s second-largest export market and in 2019 its largest Asian export market; the establishment of a driver’s license reciprocity agreement between Vermont and Taiwan; and Taiwan’s donation of 44,000 surgical masks to Vermont to help combat COVID-19, and

Whereas, Taiwan can be a vital partner on issues related to public health, criminal justice, aviation safety, and climate change, now therefore be it

Resolved by the House of Representatives:

That this legislative body reaffirms the friendship between Vermont and the Republic of China (Taiwan) and supports enhanced United States–Taiwan bilateral relations and Taiwan’s role in the international community, 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, Governor Philip B. Scott, the Vermont Congressional Delegation, President Tsai Ing-wen of the Republic of China (Taiwan), and Jonathan Sun, Director-General of the Taipei Economic and Cultural Office in Boston.

Was read by title only and, in the Speaker’s discretion, placed on the Calendar for Action tomorrow under Rule 52.

Third Reading; Bill Passed in Concurrence**S. 39**

Senate bill, entitled

An act relating to the Judicial Branch fee report and electronic filing fees

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

Second Reading; Bill Amended; Third Reading Ordered**H. 443**

Rep. Gannon of Wilmington, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of the merger of the Wilmington Water District with the Town of Wilmington

Reported in favor of its passage when amended as follows:

In Sec. 2, plan of merger, in subsection (h), (finances), immediately following the words "general fund of the District shall be" by striking out the words "added to the general fund of the Town on the effective date of this act and shall be"

Rep. Durfee of Shaftsbury, for the Committee on Ways and Means, recommended the bill ought to pass when amended by the Committee on Government Operations.

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

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered****S. 16**

Rep. Brady of Williston, for the Committee on Education, to which had been referred Senate bill, entitled

An act relating to the creation of the Task Force on School Exclusionary Discipline Reform

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Nationally, millions of students are removed from the classroom each year for disciplinary reasons.

(2) U.S. Department of Education data reveals that in the 2013–2014 school year, of the 50 million students nationally enrolled in schools:

(A) 2.7 million received in-school suspensions;

(B) 1.6 million received one out-of-school suspension;

(C) 1.1 million received more than one out-of-school suspension; and

(D) 111,215 were expelled.

(3) Exclusionary discipline is used mostly in middle and high schools, and mostly for minor misconduct, according to the Council on State Governments' Justice Center.

(4) Students who are suspended are at significantly higher risk of academic failure, of dropping out of school, and of entering the juvenile justice system according to the Council on State Governments' Justice Center.

(5) Nationally, students of certain racial and ethnic groups and students with disabilities are disciplined at higher rates than their peers, beginning in preschool, as evidenced by 2013–2014 data from the U.S. Department of Education's Office for Civil Rights.

(A) Black students, representing approximately 15 percent of the U.S. student population, are suspended and expelled at a rate two times greater than White students, representing approximately 50 percent of the U.S. student population.

(B) Students with disabilities who have individualized education plans (IEPs) are more likely to be suspended than students without disabilities.

(6) According to the 2016 study "Educational Exclusion" published by the Gay, Lesbian, and Straight Education Network, which is a national education organization focused on ensuring safe and affirming schools for all students, students who are lesbian, gay, bisexual, transgender, or queer face disproportionately high rates of school discipline, including detention, suspension, and expulsion from school.

(7)(A) According to the Agency of Education's Report on Exclusionary Discipline Response, January 2017, for the 2015–2016 school year, 3,616 Vermont public school students were excluded, representing 4.7 percent of total enrollment.

(B) The Agency of Education found that students who are non-Caucasian, participate in the free and reduced lunch program, have Section 504 or IEP plans, male, or are English Learners are over-represented in terms of the number who experience exclusion and the number of incidents resulting in exclusion.

(C) Use of school discipline strategies, such as exclusionary discipline, restraint, seclusion, referral to law enforcement, and school-related arrest, varies widely throughout the State.

(8) The Agency of Education publishes data on school discipline in Vermont annually, however:

(A) some data can be challenging to find or understand;

(B) consistent with federal student privacy laws and regulations, certain data may not be publicly reportable due to Vermont's extremely small size conditions, such as data with very few reported cases, data on specific incidents or actions, and data disaggregated by student demographics or grade level characteristics;

(C) even when available and reportable, care must be taken when using data to inform practice in order to ensure they are applied in a coherent and methodologically defensible manner; and

(D) while the Agency of Education and Vermont supervisory unions are currently working to improve data collection, stewardship, reporting processes, and infrastructure, this work is in the context of enhancing data quality, data literacy, and the technical infrastructure to support these enhancements.

(9) More data on school discipline practices in Vermont is necessary to understand what strategies are effective and to encourage the adoption of these strategies at the local level.

Sec. 2. TASK FORCE ON EQUITABLE AND INCLUSIVE SCHOOL ENVIRONMENTS; REPORT

(a) Creation. There is created the Task Force on Equitable and Inclusive School Environments. The Task Force shall make recommendations to end suspensions and expulsions for all but the most serious student behaviors and compile data regarding school discipline in Vermont public and approved independent schools in order to inform strategic planning, guide statewide and local decision making and resource allocation, and measure the effectiveness of statewide and local policies and practices.

(b) Membership.

- (1) The Task Force shall be composed of the following 16 members:
- (A) the Secretary of Education or designee;
 - (B) the Commissioner of Mental Health or designee;
 - (C) the Executive Director of the Vermont School Boards Association or designee;
 - (D) the Executive Director of the Vermont Council of Special Education Administrators or designee;
 - (E) the Executive Director of the Vermont Principals' Association or designee;
 - (F) the Executive Director of the Vermont-National Education Association or designee;
 - (G) the Executive Director of the Vermont Superintendents Association;
 - (H) one member, appointed by the Legal Aid Disability Law Project;
 - (I) one member, appointed by the Vermont Family Network;
 - (J) one member, appointed by the Building Effective Strategies for Teaching Students Project at the University of Vermont;
 - (K) one member, appointed by the Vermont Restorative Collaborative;
 - (L) one teacher, appointed by the Vermont-National Education Association;
 - (M) one member of a therapeutic school, appointed by the Vermont Independent Schools Association;
 - (N) one school counselor, appointed by the Vermont School Counselor Association; and
 - (O) two high school students, appointed by the Vermont Principals' Association in consultation with UP for Learning.

(2) The appointing authorities shall seek racial diversity in membership in making appointments to the Task Force.

(c) Powers and duties.

(1) The Task Force shall make recommendations to end suspensions and expulsions for all but the most serious student behaviors and, taking into account the Vermont Youth Risk Behavior Survey issued by the Department of

Health and relevant data reported by the Agency of Education, shall perform the following tasks:

(A) review current behavioral supports and in-school services and availability of these services in various supervisory unions, approved independent schools, and regions of the State that are available to support students who would otherwise face exclusionary discipline;

(B) recommend additional or more uniform in-school services that should be available to:

(i) students who are under eight years of age where expulsion is not permitted under 16 V.S.A. § 1162 as amended by this act; and

(ii) other students who would otherwise face exclusionary discipline;

(C) define the most serious behaviors that, after considering all other alternatives and supports, should remain eligible for suspension or expulsion;

(D) review school professional development programs and make recommendations on how educator practices, such as positive behavioral interventions and support, trauma informed practices, and restorative practices, and related training for these practices can increase educators' awareness of students' needs in a manner to reduce behaviors that lead to possible out-of-school disciplinary measures;

(E) identify best practice procedures for students facing in-school or exclusionary discipline that:

(i) minimize law enforcement contacts;

(ii) are trauma-responsive; and

(iii) maximize relational and restorative actions that support the social, emotional, and mental health needs of these students;

(F) subject to federal and State privacy laws, review, on a school-district and approved independent schools basis, the readily available data and the data collection processes regarding suspensions and expulsions and review additional data necessary to inform the work of the Task Force, including:

(i) the total number of instances of expulsions and suspensions in each grade operated by the district or approved independent school;

(ii) the total number of students in each grade operated by the district or approved independent school who were expelled or suspended and the number of instances of expulsion or suspension, or both, for each student;

(iii) the duration of each instance of expulsion and suspension;

(iv) the infraction for which each expulsion and suspension was imposed;

(v) each instance of referral to local law enforcement authorities, the juvenile justice system, community justice center, State's Attorneys Offices, Department for Children and Families, or other juvenile justice-related authority;

(vi) each instance in which a civil, criminal, or juvenile citation was the consequence for a school-related infraction; and

(vii) each instance in which an excluded student received reeducational services, as well as the duration of reeducational services per day, per week, and per month;

(G) recommend how to ensure that school staff who collect, process, or communicate data understand the importance of data quality, the context of their role, and the rules that govern data collection, processing, communication, and public disclosure; and

(H) review how other states address exclusionary discipline.

(2) All data specified in subdivision (1)(F) of this subsection shall be in disaggregated format by, at a minimum, the following subgroups and categories to the extent permitted by federal and State privacy laws and to the extent information is available:

(A) White;

(B) Black;

(C) Hispanic;

(D) American Indian/Alaskan Native;

(E) Asian, Pacific Islander/Hawaiian Native;

(F) low-income/free or reduced lunch;

(G) Limited English Proficient or English Language Learner;

(H) migrant status;

(I) students receiving special education services;

(J) students on educational plans under Section 504 of the Rehabilitation Act of 1973;

(K) gender;

(L) sexual orientation;

(M) foster care status;

(N) homeless status; and

(O) grade level.

(3) All data specified in subdivision (1)(F) of this subsection shall be cross-tabulated by, at a minimum, the following subgroups and categories to the extent permitted by federal and State privacy laws and to the extent information is available:

(A) school;

(B) school district;

(C) race;

(D) low-income/free or reduced lunch;

(E) Limited English Proficient or English Language Learner;

(F) migrant status;

(G) students receiving special education services;

(H) students on educational plans under Section 504 of the Rehabilitation Act of 1973;

(I) gender;

(J) sexual orientation;

(K) foster care status;

(L) homeless status;

(M) grade level;

(N) behavior infraction code;

(O) intervention applied, including restraint and seclusion; and

(P) educational services provided.

(d) Report. On or before January 15, 2022, the Task Force shall submit an initial written report, and on or before March 15, 2022, the Task Force shall submit a final written report, to the House and Senate Committees on Education with its findings, addressing each of its duties under subsection (c) of this section, and any recommendations for legislative action. The Agency of Education shall share the report and any related insights and best practices with Vermont educators, school administrators, policymakers, agencies, and education and advocacy organizations, and shall post the report on its website.

(e) Meetings.

(1) The Secretary of Education shall call the first meeting of the Task Force to occur on or before August 1, 2021.

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

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

(4) The Task Force shall meet not more than six times.

(5) The Task Force shall cease to exist on April 15, 2022.

(f) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education.

(g) Compensation and reimbursement. 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 of the Task Force.

Sec. 3. APPROPRIATION

The sum of \$6,750.00 is appropriated from the General Fund in fiscal year 2022 to the Agency of Education for per diem and reimbursement of expenses for members of the Task Force on Equitable and Inclusive School Environments created under Sec. 2 of this act and for expenses incurred by the Task Force in carrying out its duties.

Sec. 4. DATA COLLECTION; TRAINING; SECRETARY OF EDUCATION

(a) On or before the first meeting of the Task Force on Equitable and Inclusive School Environments established in Sec. 2 of this act, the Secretary of Education shall collect and distribute to the members of the Task Force all readily available data on suspensions and expulsions from each Vermont public school and approved independent school in academic years 2013–2014 through 2018–2019, including the data specified in subdivision (e)(1)(F) of Sec. 2.

(b) At the first meeting of the Task Force, the Secretary of Education or designee shall provide an overview and training to the Task Force on how to navigate the Agency website and the readily available data collections that provide data on out-of-school suspensions and expulsions from each Vermont public school.

Sec. 5. OUTCOME ANALYSIS

On or before January 15 of each year from 2025 to 2030, the Secretary of Education shall submit a written report to the House and Senate Committees on Education on suspensions and expulsions from each Vermont public school

and approved independent school in the prior school year, including the data specified in subdivision (c)(1)(F) of Sec. 2.

Sec. 6. 16 V.S.A. § 1162 is amended to read:

§ 1162. SUSPENSION OR EXPULSION OF STUDENTS

* * *

(d) Notwithstanding anything to the contrary in this chapter, a student enrolled in a public school who is under eight years of age shall not be suspended or expelled from the school; provided, however, that the school may suspend or expel the student if the student poses an imminent threat of harm or danger to others in the school.

Sec. 7. REFERRALS OF TRUANCY TO THE STATE'S ATTORNEYS

(a) On or before September 1, 2021, each school district shall report to the Agency of Education the number of cases referred by the district or its staff to a State's Attorney for truancy under 16 V.S.A. § 1127 or 33 V.S.A. § 5309, what mitigation techniques were used by the district to engage with families prior to each referral, and the result of each referral.

(b) On or before December 15, 2021, the Agency of Education shall collate the reports from school districts and report the results to the General Assembly.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of this bill be amended to read: "An act relating to the Task Force on Equitable and Inclusive School Environments"

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that House propose to the Senate to amend the bill as recommended by the Committee on Education.

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

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 20

Rep. Whitman of Bennington, for the Committee on Human Services, to which had been referred Senate bill, entitled

An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * PFAS in Class B Firefighting Foam * * *

Sec. 1. 18 V.S.A. chapter 33 is added to read:

CHAPTER 33. PFAS IN FIREFIGHTING AGENTS AND EQUIPMENT

§ 1661. DEFINITIONS

As used in this chapter:

(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, firm, association, partnership, corporation, organization, joint venture, importer, or domestic distributor of firefighting agents or equipment. As used in this subsection, “importer” means the owner of the 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.

§ 1662. 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.

§ 1663. RESTRICTION ON MANUFACTURE, SALE, ANDDISTRIBUTION; EXCEPTIONS

(a)(1) Unless otherwise required under federal law, but not later than October 1, 2023, 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.

(2) Notwithstanding subdivision (1) of this subsection, the restriction on the manufacture, sale, offer for sale, or distribution of class B firefighting foam containing intentionally added PFAS for use at a terminal shall not apply until January 1, 2024.

(b) A person operating a terminal after January 1, 2024, and 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.

§ 1664. 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.

§ 1665. 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 if after January 1, 2024, the person operating a terminal holds a temporary exemption pursuant to subsection (b) of section 1663 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.

§ 1666. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of class B firefighting foam or firefighting personal protective equipment. Within 30 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this chapter; or

(2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

§ 1667. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

* * * PFAS, Phthalates, and Bisphenols in Food Packaging * * *

Sec. 2. 18 V.S.A. chapter 33A is added to read:

CHAPTER 33A. CHEMICALS OF CONCERN IN FOOD PACKAGING

§ 1671. DEFINITIONS

As used in this chapter:

(1) "Bisphenols" means any member of a class of industrial chemicals that contain two hydroxyphenyl groups. Bisphenols are used primarily in the manufacture of polycarbonate plastic and epoxy resins.

(2) "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” has the same meaning as in section 1661 of this title.

§ 1672. FOOD PACKAGING

(a) A manufacturer, supplier, or distributor 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, supplier, or distributor 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.

§ 1673. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of food packaging. Within 30 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this chapter; or

(2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

§ 1674. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner of Health shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

§ 1675. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

* * * Rugs, Carpets, and Aftermarket Stain and Water Resistant
Treatments * * *

Sec. 3. 18 V.S.A. chapter 33B is added to read:

CHAPTER 33B. PFAS IN RUGS, CARPETS, AND AFTERMARKET
STAIN AND WATER RESISTANT TREATMENTS

§ 1681. DEFINITIONS

As used in this chapter:

(1) "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.

(2) “Department” means the Department of Health.

(3) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.

(4) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in section 1661 of this title.

(5) “Rug or carpet” means a thick fabric used to cover floors.

§ 1682. RUGS AND CARPETS

(a) A manufacturer, supplier, or distributor 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 intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

§ 1683. AFTERMARKET STAIN AND WATER RESISTANT TREATMENTS

(a) A manufacturer, supplier, or distributor 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.

§ 1684. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of rugs, carpets, or aftermarket stain and water resistant treatments. Within 30 days after receipt of the Attorney General’s request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer’s product or products comply with the requirements of this chapter; or

(2) notify persons who are selling a product of the manufacturer’s in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

§ 1685. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

§ 1686. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

* * * Ski Wax * * *

Sec. 4. 18 V.S.A. chapter 33C is added to read:

CHAPTER 33C. PFAS IN SKI WAX§ 1691. DEFINITIONS

As used in this chapter:

(1) “Department” means the Department of Health.

(2) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.

(3) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in section 1661 of this title.

(4) “Ski wax” means a lubricant applied to the bottom of snow runners, including skis and snowboards, to improve their grip and glide properties.

§ 1692. SKI WAX

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State ski wax or related tuning products to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

§ 1693. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of ski wax. Within 30 days after receipt of the Attorney General’s request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer’s product or products comply with the requirements of this chapter; or

(2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

§ 1694. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

§ 1695. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

* * * Chemicals of High Concern to Children * * *

Sec. 5. 18 V.S.A. § 1773 is amended to read:

§ 1773. CHEMICALS OF HIGH CONCERN TO CHILDREN

(a) List of chemicals of high concern to children. The following chemicals are designated as chemicals of high concern to children for the purposes of the requirements of this chapter:

* * *

(67) PFHxS (perfluorohexane sulfonic acid).

(68) PFHpA (perfluoroheptanoic acid).

(69) PFNA (perfluorononanoic acid).

(70) Any other chemical designated by the Commissioner as a chemical of high concern to children by rule under section 1776 of this title.

* * * Effective Dates * * *

Sec. 6. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that Secs. 1 (class B firefighting foam) and 5 (chemicals of high concern to children) shall take effect on July 1, 2022 and Secs. 2 (food packaging), 3 (rugs and carpets), and 4 (ski wax) shall take effect on July 1, 2023.

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

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Human Services?, **Rep. Pugh of South Burlington** 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 propose to the Senate to amend the bill as recommended by the Committee on Human Services?, was decided in the affirmative. Yeas, 145. Nays, 0.

Those who voted in the affirmative are:

Achey of Middletown Springs	Grad of Moretown	Ode of Burlington
Ancel of Calais	Graham of Williamstown	Page of Newport City
Anthony of Barre City	Gregoire of Fairfield	Pajala of Londonderry
Arrison of Weathersfield	Hango of Berkshire	Palasik of Milton
Austin of Colchester	Harrison of Chittenden	Parsons of Newbury
Bartholomew of Hartland	Helm of Fair Haven	Partridge of Windham
Batchelor of Derby	Higley of Lowell	Patt of Worcester
Beck of St. Johnsbury	Hooper of Montpelier	Pearl of Danville
Birong of Vergennes	Hooper of Randolph	Peterson of Clarendon
Black of Essex	Hooper of Burlington	Pugh of South Burlington
Bluemle of Burlington	Houghton of Essex	Rachelson of Burlington
Bock of Chester	Howard of Rutland City	Redmond of Essex *
Bongartz of Manchester	James of Manchester	Rogers of Waterville
Bos-Lun of Westminster	Jerome of Brandon	Rosenquist of Georgia
Brady of Williston	Jessup of Middlesex	Satcowitz of Randolph
Brennan of Colchester	Killackey of South Burlington	Savage of Swanton
Briglin of Thetford	Kimbell of Woodstock	Scheu of Middlebury
Brown of Richmond	Kitzmiller of Montpelier	Scheuermann of Stowe
Brownell of Pownal	Kornheiser of Brattleboro	Seymour of Sutton
Brumsted of Shelburne	LaClair of Barre Town	Shaw of Pittsford
Burditt of West Rutland	LaLonde of South Burlington	Sheldon of Middlebury
Burke of Brattleboro	Lanpher of Vergennes	Sibilia of Dover
Burrows of West Windsor	Lefebvre of Newark	Sims of Craftsbury *
Campbell of St. Johnsbury	Lefebvre of Orange	Small of Winooski
Canfield of Fair Haven	Leffler of Enosburgh	Smith of Derby
Chase of Colchester	Lippert of Hinesburg	Smith of New Haven
Christie of Hartford	Long of Newfane	Squirrell of Underhill
Cina of Burlington	Marcotte of Coventry	Stebbins of Burlington
Colburn of Burlington	Martin of Franklin	Stevens of Waterbury
Colston of Winooski	Masland of Thetford	Strong of Albany
Conlon of Cornwall	Mattos of Milton	Sullivan of Dorset
Copeland Hanzas of Bradford	McCarthy of St. Albans City	Surprenant of Barnard
Corcoran of Bennington	McCormack of Burlington	Taylor of Colchester
Cordes of Lincoln	McCoy of Poultney	Till of Jericho
Cupoli of Rutland City	McCullough of Williston	Toleno of Brattleboro
Dickinson of St. Albans Town	McFaun of Barre Town	Toof of St. Albans Town
Dolan of Essex	Morgan, L. of Milton	Townsend of South Burlington
	Morgan, M. of Milton	Troiano of Stannard
	Morris of Springfield	Vyhovsky of Essex

Dolan of Waitsfield *	Morrissey of Bennington	Walz of Barre City
Donahue of Northfield	Mrowicki of Putney	Webb of Shelburne
Donnally of Hyde Park	Mulvaney-Stanak of	White of Bethel
Durfee of Shaftsbury	Burlington	White of Hartford
Elder of Starksboro	Murphy of Fairfax	Whitman of Bennington
Emmons of Springfield	Nigro of Bennington	Williams of Granby
Fagan of Rutland City	Norris of Sheldon	Wood of Waterbury
Feltus of Lyndon	Norris of Shoreham	Yacovone of Morristown
Gannon of Wilmington	Notte of Rutland City	Yantachka of Charlotte
Goldman of Rockingham	Noyes of Wolcott	
Goslant of Northfield	O'Brien of Tunbridge	

Those who voted in the negative are: none

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

Coffey of Guilford	Nicoll of Ludlow
Martel of Waterford	Terenzini of Rutland Town

Rep. Dolan of Waitsfield explained her vote as follows:

“Madam Speaker:

I voted for S.20 because it targets four of the largest sources of PFAS contamination in Vermont. This bill protects public health particularly the most vulnerable members of our communities – our infants and children. There are available cost-effective PFAS-free alternatives today. This bill also makes sound economic sense. The bill reduces or avoids the healthcare costs associated with exposure. The bill reduces or avoids the high costs of detection, clean up, treatment and disposal of PFAS-contaminated soils and water and the management of contaminated landfill leachate. The bill supports our dairy industry and local foods movement, and the VT brand.”

Rep. Redmond of Essex explained her vote as follows:

“Madam Speaker:

Banning forever chemicals like PFAS is a critical step in prioritizing the cleanliness and health of our pristine outdoors. S.20 centers our lakes, rivers, streams, groundwater, soil, and food and drinking water systems in creating a toxics-free environment that ensures the protection of our beloved Green Mountain State. The step we have taken today is a game-changing investment in our rural and suburban landscapes and will help rebuild the economy in all 14 counties.”

Rep. Sims of Craftsbury explained her vote as follows:

“Madam Speaker:

I vote yes to protect consumers from the harmful effects of PFAS and other dangerous chemicals.

These 'forever chemicals' do not break down easily and they persist in our bodies and the environment. And these chemicals are everywhere: in our food packaging, clothing, cookware, and many common households items.

This bill will protect Vermonters by reducing their exposure to these toxic chemicals.”

Thereupon, third reading was ordered.

Action on Bill Postponed

S. 115

Senate bill, entitled

An act relating to making miscellaneous changes in education laws

Was taken up, and pending the reading of the reports of the Committees on Education and on Appropriations, on motion of **Rep. Conlon of Cornwall**, action on the bill was postponed until May 5, 2021.

Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered

S. 124

Rep. Yantachka of Charlotte, for the Committee on Energy and Technology, to which had been referred Senate bill, entitled

An act relating to miscellaneous utility subjects

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 5, 30 V.S.A. § 218, in subsection (e), by striking out “, and the Commission shall only set or change the eligibility level for any program created pursuant to this section after investigation, evidence, and hearing from the distribution utility sponsor of the program and other interested stakeholders.” and inserting in lieu thereof “.”

Second: By striking out Sec. 9, effective date, in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that Sec. 5 (30 V.S.A. § 218) shall take effect upon passage, except for an existing program under 30 V.S.A. § 218(e), for which it shall take effect upon a Commission decision

following an investigation regarding tariff changes for the distribution utility sponsor of the program.

Rep. Feltus of Lyndon, for the Committee on Appropriations, recommended that House propose to the Senate to amend the bill as recommended by the Committee on Energy and Technology.

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

Joint Senate Resolution Committed

J.R.S. 24

Senate resolution, entitled

Joint resolution relating to amending temporary Joint Rule 22A

Appearing on the calendar for Action, was taken up and pending the question, Shall the resolution be adopted?, on motion of **Rep. Long of Newfane**, the resolution was committed to the Committee on Rules.

Senate Proposal of Amendment Concurred in

H. 46

The Senate proposed to the House to amend House bill, entitled

An act relating to miscellaneous provisions of mental health law

The Senate proposed to the House to amend the bill by striking out Sec. 1, 18 V.S.A. § 7503, in its entirety and inserting a new Sec. 1 in lieu thereof to read as follows:

Sec. 1. 18 V.S.A. § 7503 is amended to read:

§ 7503. APPLICATION FOR VOLUNTARY ADMISSION

* * *

(b) Before the person may be admitted as a voluntary patient, ~~he or she~~ the person shall give ~~his or her~~ consent in writing on a form adopted by the Department. The consent shall include a representation that:

(1) the person understands that ~~his or her~~ treatment will involve inpatient status;

(2) ~~that he or she~~ the person desires to be admitted to the hospital, ~~and;~~

(3) ~~that he or she~~ the person consents to admission voluntarily, without any coercion or duress; and

(4) the person understands that inpatient treatment may be on a locked unit and a requested discharge may be deferred if the treating physician determines that the person is a person in need of treatment pursuant to section 7101 of this title.

* * *

Proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 104

The Senate proposed to the House to amend House bill, entitled

An act relating to considerations in facilitating the interstate practice of health care professionals using telehealth

The Senate proposed to the House to amend the bill in Sec. 1, Facilitation of Interstate Practice Using Telehealth Working Group; report, in subsection (b), by inserting a new subdivision to be subdivision (5) to read as follows:

(5) the Commissioner of Mental Health or designee;

And by renumbering the remaining subdivisions to be numerically correct.

Proposal of amendment was considered and concurred in.

Action on Bill Postponed

H. 108

House bill, entitled

An act relating to Vermont standards for issuing a Clean Water Act section 401 certification

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Sheldon of Middlebury**, action on the bill was postponed until May 5, 2021.

Action on Bill Postponed

H. 171

House bill, entitled

An act relating to the governance and financing of Vermont's child care system

Was taken up, and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Pugh of South Burlington**, action on the bill was postponed until May 6, 2021.

Action on Bill Postponed

H. 439

House bill, entitled

An act relating to making appropriations for the support of government

Was taken up, and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Hooper of Montpelier**, action on the bill was postponed until May 5, 2021.

Message from 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 fourth day of May, 2021, he signed a bill originating in the House of the following title:

H. 195 An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children

Message from the Senate No. 54

A message was received from the Senate by Mr. Marshall, 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. 210. An act relating to addressing disparities and promoting equity in the health care system.

H. 438. An act relating to capital construction and State bonding.

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 on its part adopted joint resolution of the following title:

J.R.S. 27. Joint resolution relating to weekend adjournment.

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

Adjournment

At twelve o'clock and thirteen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

Wednesday, May 5, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Message from 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 fifth day of May, 2021, he signed a bill originating in the House of the following title:

H. 128 An act relating to limiting criminal defenses based on victim identity

Message from the Senate No. 55

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 considered House proposals of amendment to Senate bill of the following title:

S. 114. An act relating to improving prekindergarten through grade 12 literacy within the State.

And has concurred therein.

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

H. 421. An act relating to animal cruelty investigation response and training.

H. 430. An act relating to expanding eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals regardless of immigration status.

H. 434. An act relating to establishing the Agricultural Innovation Board.

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

Bill Referred to Committee on Ways and Means

S. 101

Senate bill, entitled

An act relating to promoting housing choice and opportunity in smart growth areas

Appearing on the Calendar for Notice, and pursuant to 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. 27

By Senator Balint,

J.R.S. 27. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, May 7, 2021, it be to meet again no later than Tuesday, May 11, 2021.

Was taken up, read, and adopted in concurrence.

**Second Reading; Proposal of Amendment as Amended Agreed to;
Third Reading Ordered**

S. 115

Rep. Conlon of Cornwall, for the Committee on Education, to which had been referred Senate bill, entitled

An act relating to making miscellaneous changes in education laws

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Libraries in Vermont * * *

Sec. 1. WORKING GROUP ON THE STATUS OF LIBRARIES IN
VERMONT; REPORT

(a) Creation. There is created the Working Group on the Status of Libraries in Vermont to study and report on the statewide status of Vermont's libraries. The Working Group is formed with the intent of strengthening and supporting libraries of all sizes and improving library services for the public.

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

(1) the State Librarian;

(2) the President of the Vermont Library Association or designee;

(3) the Executive Director of the Vermont Humanities Council or designee;

(4) three representatives of public libraries, who shall be from libraries of different sizes and from different regions of the State, appointed by the State Librarian;

(5) two representatives of public school libraries, who shall be from schools of different sizes and from different regions of the State, appointed by the Vermont School Library Association;

(6) two representatives of college and university libraries, appointed by the President of the College and Special Libraries Section of the Vermont Library Association; and

(7) one public library trustee, appointed by the President of the Friends and Trustees Section of the Vermont Library Association.

(c) Powers and duties. The Working Group shall study:

(1) library services for specific segments of the Vermont population, including senior citizens, individuals with disabilities, youths and children, immigrant and migrant communities, and people living in poverty;

(2) the role that libraries play in emergency preparedness, cultural diversity and inclusion, public health and safety, community identity and resiliency, economic development, and access to public programs and services;

(3) the impact of the COVID-19 pandemic on library operations and services; and

(4) the current overall status of Vermont libraries, which may include information related to programming, collections, facilities, technology, and staffing.

(A) Programming. The Working Group may study the types and frequency of library programs, attendance at library programs, and whether library programs are meeting community needs. The study of programming may include an assessment of public engagement and outreach surrounding library programming as well as the opportunities for nonlibrary programs and groups to access Vermont libraries.

(B) Collections. The Working Group may study the size and diversity of library holdings and assess the strengths and gaps in materials available to Vermonters. The study of collections may include an assessment of how libraries may best share resources across differing libraries and communities, whether libraries offer community-specific resources, and whether libraries maintain special collections or historical artifacts.

(C) Facilities. The Working Group may study whether library facilities and buildings could be improved with regard to energy efficiency, accessibility, flexibility, human health and safety, historic preservation, and intergenerational needs.

(D) Technology. The Working Group may study whether Vermont libraries have sufficient access to basic technological resources, cyber-security resources, high-speed Internet, electronic catalogs, interlibrary loan and other interoperable systems, and appropriate hardware and software.

(E) Staff. The Working Group may study staffing levels at Vermont libraries, whether staffing levels are sufficient to meet community needs, whether library staff compensation and benefits are sufficient, how libraries rely on volunteers, and what resources are available for workforce development and training of library staff.

(d) Public input. As part of the study and report, the Working Group shall solicit feedback from the general public and library users around the State. The Working Group may examine models for library management and organization in other states, including the formation of statewide service networks.

(e) Data to be used. The data used in the analysis of library services and operations may be from 2019, prior to the COVID-19 pandemic. Postpandemic data may also be used to assess the status of library services and operations.

(f) Consultation with the Board of Libraries. The Working Group may solicit feedback from the Board of Libraries.

(g) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Department of Libraries.

(h) Report. On or before November 1, 2023, the Working Group shall submit a report to the House and Senate Committees on Education. The report shall contain:

(1) specific and detailed findings and proposals concerning the issues set forth in subsection (c) of this section;

(2) recommendations for updating the statutes, rules, standards, and the governance structures of Vermont libraries to ensure equitable access for Vermont residents, efficient use of resources, and quality in the provision of services;

(3) recommendations related to the funding needs of Vermont libraries, including capital, ongoing, and special funding; and

(4) any other information or recommendations that the Working Group may deem necessary.

(i) Meetings.

(1) The State Librarian shall be the Chair of the Working Group.

(2) The Chair shall call the first meeting of the Working Group to occur within 45 days after the effective date of this act.

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

(4) The Working Group shall cease to exist on December 1, 2023.

(j) Compensation and reimbursement. 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 12 meetings. These payments shall be made from monies appropriated to the Department of Libraries.

(k) Appropriation. The sum of \$4,000.00 is appropriated to the Department of Libraries from the General Fund in fiscal year 2022 for per diem compensation and reimbursement of expenses for members of the Working Group.

Sec. 2. 3 V.S.A. § 260 is amended to read:

§ 260. LOCATION OF OFFICES

* * *

~~(c) The principal office of each of the following boards and divisions shall be located in Montpelier: Division for Historic Preservation and Board of Libraries. [Repealed.]~~

* * *

Sec. 3. [Deleted.]

Sec. 4. 16 V.S.A. § 212 is amended to read:

§ 212. SECRETARY'S DUTIES GENERALLY

The Secretary shall execute those policies adopted by the State Board in the legal exercise of its powers and shall:

* * *

(7) Arrange conferences and summer schools for superintendents and teachers and employ suitable speakers, lecturers, and instructors for the same; fix the amount of tuition for the instruction; provide for educational gatherings, institutes, summer schools, and other supplementary educational activities; and provide for cooperation with the Board of Libraries established by 22 V.S.A. § 602 or the State Librarian.

* * *

Sec. 5. [Deleted.]

Sec. 6. 29 V.S.A. § 1108 is amended to read:

§ 1108. ACCEPTANCE OR REJECTION OF BIDS; CONDITIONS OF
CONTRACTS

The Commissioner of Buildings and General Services may require satisfactory bonds from bidders and contractors, ~~and shall specify in each contract for printing that, in case the matter contracted for is not delivered to the State Librarian or in accordance with his or her written order to such other person as may be specified in the contract, on or before the date specified in the contract for such delivery, \$25.00 of the contract price shall be deducted for every day such delivery is delayed, and, in case the delay exceeds 10 days, there shall be deducted in addition to the above amount \$10.00 for each day's delay over 10 days; and he or she shall also specify in each contract that all public documents and printed matter shall be delivered to the State Librarian at the State Library unless otherwise directed in writing by him or her or the State Librarian. The provisions of this section and section 1107 of this title relating to advertising and bids shall not apply to a contract for printing where the amount of the contract does not exceed \$50.00.~~

Sec. 7. REPEALS

The following are repealed:

- (1) 4 V.S.A. § 16 (briefs and other papers kept in State Library);
- (2) 29 V.S.A. § 1156 (distribution of documents by State Librarian); and
- (3) 29 V.S.A. § 1161 (distribution of documents to schools).

* * * Cultural Liaisons * * *

Sec. 8. 16 V.S.A. § 4029 is amended to read:

§ 4029. USE OF FUNDS FOR EDUCATION

(a) Funds received by a school district may be used only for legitimate items of current education expense and shall not be used for municipal services.

(b) Funds received by a municipality other than a school district may not be used directly or indirectly for education expenses.

* * *

(g) Notwithstanding anything to the contrary in this section or otherwise in law, a school district and the town or city municipality or municipalities in which the school district operates may jointly fund the services of one or more cultural liaisons to support students and families who have limited English proficiency (LEP). A cultural liaison provides language translation and interpretation services to help facilitate educational and municipal services for LEP students and families; facilitates communication among school and municipal staff, LEP students and families, and community organizations; and assists in reconciling differing cultural perspectives and understandings.

* * * Wellness Program * * *

Sec. 9. 16 V.S.A. § 136 is amended to read:

§ 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS
AND COMPREHENSIVE HEALTH

(a) As used in this section:

* * *

(5) “Wellness program” means a program that includes physical fitness and ~~nutrition~~ comprehensive health education as defined in section 131 of this title.

(b) ~~The Secretary with the approval of the State Board~~ shall establish an Advisory Council on Wellness and Comprehensive Health that shall include at

least three members associated with the health services field with expertise in health services, health education, or health policy, at least one member who is a school counselor, and at least one member who is a school social worker. The members shall serve without compensation but shall receive their actual expenses incurred in connection with their duties relating to wellness and comprehensive health programs. The Council shall assist the Agency to plan, coordinate, and encourage wellness and comprehensive health programs in the public schools and shall meet not less than twice a year. The Council shall also examine and coordinate state health wellness polices and federal wellness policies to identify and, if possible, eliminate any redundancies.

(c) The Secretary shall collaborate with other agencies and councils working on childhood wellness to:

(1) Supervise the preparation of appropriate nutrition and fitness wellness program curricula for use in the public schools, promote programs for the preparation of teachers to teach these curricula, and assist in the development of wellness programs.

* * *

~~(5) Create a process for schools to share with the Department of Health any data collected about the height and weight of students in kindergarten through grade six. The Commissioner of Health may report any data compiled under this subdivision on a countywide basis. Any reporting of data must protect the privacy of individual students and the identity of participating schools.~~

* * *

Sec. 10. SCHOOL WELLNESS POLICY

On or before January 15, 2022, the Agency of Education, in collaboration with the Advisory Council on Wellness and Comprehensive Health created under 16 V.S.A. § 136 and the Vermont School Boards Association, shall update and distribute to school districts a model wellness program policy, using the expanded definition of “wellness program” under 16 V.S.A. § 136, as amended by this act, that shall:

(1) be in compliance with all relevant State and federal laws; and

(2) reflect nationally accepted best practices for comprehensive health education and school wellness policies, such as guidance from the Centers for Disease Control and Prevention’s Whole School, Whole Community, Whole Child Model.

* * * Menstrual Products * * *

Sec. 11. 16 V.S.A. § 1432 is added to read:

§ 1432. MENSTRUAL PRODUCTS

(a) By enacting this statute, the General Assembly intends to ensure that all students attending a public school or an approved independent school have access to menstrual products at no cost and without having to request them.

(b)(1) A school district and an approved independent school shall make menstrual products available at no cost for each school within the district or under the jurisdiction of the board of the independent school in:

(A) a majority of gender-neutral bathrooms and bathrooms designated for female students that are generally used by students who are eight years old or older; and

(B) the school nurse's office.

(2) The school district or independent school, in consultation with the school nurse who provides services to the school, shall determine which of the gender-neutral bathrooms and bathrooms designated for female students to stock with menstrual products and which brands to use.

(c) School districts and approved independent schools shall bear the cost of supplying menstrual products and may seek grants or partner with a nonprofit or community-based organization to fulfill this obligation.

* * * Vermont Ethnic and Social Equity Standards Advisory Working
Group * * *

Sec. 12. 2019 Acts and Resolves No. 1 is amended to read:

* * *

(c) Creation and composition. The Ethnic and Social Equity Standards Advisory Working Group is established. The Working Group shall comprise the following ~~20~~ 23 members:

(1) ~~10~~ 13 members who are members of, and represent the interests of, ethnic groups and social groups, ~~two~~ four of whom shall be high school students and two of whom shall be members of Vermont's Indigenous community;

* * *

(d) Appointment and operation.

(1) The Vermont Coalition for Ethnic and Social Equity in Schools (Coalition) shall appoint the ~~10~~ 13 members who represent ethnic groups and

social groups and the member identified under subdivision (c)(2) of this section. Appointments of members to fill vacancies to these positions shall be made by the Coalition.

* * *

(3)(A) The Secretary of Education or designee shall call the first meeting of the Working Group to occur on or before September 1, 2019.

* * *

(E) The Working Group shall have the assistance of the Agency of Education for the purposes of scheduling meetings and processing compensation and reimbursement pursuant to subsection (e) of this section administrative, technical, and legal assistance of the Agency of Education. If the Agency is unable to provide the Working Group with adequate support to assist it with developing recommendations for updating educational standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups, then the Agency, in collaboration with the Working Group, is authorized to retain a contractor with expertise in this area to assist the Working Group.

* * *

(g) Duties of the Working Group.

(1) The Working Group shall review standards for student performance adopted by the State Board of Education under 16 V.S.A. § 164(9) and, on or before ~~June 30, 2021~~ December 31, 2021, recommend to the State Board updates and additional standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups. These recommended additional standards shall be designed to:

* * *

(h) Reports.

(3) The Working Group shall, on or before ~~July 1, 2022~~ December 31, 2022, submit a report to the General Assembly that includes:

* * *

(i) Duties of the State Board of Education. The Board of Education shall, on or before ~~June 30, 2022~~ December 31, 2022, consider adopting ethnic and social equity studies standards into standards for student performance adopted by the State Board under 16 V.S.A. § 164(9) for students in prekindergarten through grade 12, taking into account the report submitted by the Working Group under subdivision (g)(1) of this section.

Sec. 13. APPROPRIATIONS; VERMONT ETHNIC AND SOCIAL EQUITY
STANDARDS ADVISORY WORKING GROUP

(a) The sum of \$1,500.00 is appropriated from the General Fund to the Vermont Ethnic and Social Equity Standards Advisory Working Group (Working Group) in fiscal year 2022 to cover per diem and reimbursement for the three members of the Working Group added under Sec. 12 of this act.

(b) The sum of \$50,000.00 is appropriated from the General Fund to the Agency of Education in fiscal year 2022 for the cost of the contractor under Sec. 12 of this act.

(c) Any unused portion of these appropriation shall, as of July 1, 2022, revert to the General Fund.

* * * Shared School District Data Management System * * *

Sec. 14. FINDINGS AND PURPOSE

(a) Sec. E.500.1 of 2018 (Sp. Sess.) Acts and Resolves No. 11, as amended, requires that not later than July 1, 2022 all Vermont supervisory unions, supervisory districts, school districts, and independent technical center districts utilize the same shared school district data management system (eFinancePlus), which shall be selected by the Agency of Education per State procurement guidelines.

(b) The purpose of Secs. 15-17 of this act is to:

(1) extend the deadline to December 31, 2022 for state-wide adoption of eFinancePlus;

(2) pause until January 1, 2022 the further implementation of eFinancePlus to provide time for further evaluation of the system, provided that:

(A) the Agency of Education and its contractor for implementation of the system shall continue to support users of the system; and

(B) a supervisory union, supervisory district, school district, or independent technical center district that does not use the system may join an implementation round offered by the Agency of Education during the pause period upon approval by its governing body; and

(3) require the Agency of Education to issue status reports to the General Assembly.

Sec. 15. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.500.1, as amended by 2019 Acts and Resolves No. 72, Sec. E.500.5, is further amended to read:

Sec. E.500.1. ~~SCHOOL FINANCE AND SHARED SCHOOL DISTRICT~~
FINANCIAL DATA MANAGEMENT SYSTEM

(a) Not later than ~~July 1~~ December 31, 2022, all Vermont supervisory unions, supervisory districts, school districts, and independent ~~tech~~ technical center districts shall utilize the same school finance and financial data management system. The system shall be selected by the Agency of Education per State procurement guidelines.

* * *

Sec. 16. PAUSE OF IMPLEMENTATION OF SHARED SCHOOL
DISTRICT FINANCIAL DATA MANAGEMENT SYSTEM

Notwithstanding Sec. E.500.1 of 2018 (Sp. Sess.) Acts and Resolves No. 11, as amended, the implementation of the Shared School District Data Management System shall be paused until January 1, 2022, provided that:

(1) the Agency of Education and its contractor for implementation of the system shall continue to support users, as of the date of enactment of this act, of the system; and

(2) a supervisory union, supervisory district, school district, or independent technical center district that does not use the system may join an implementation round offered by the Agency of Education during the pause period upon approval by its governing body.

Sec. 17. AGENCY OF EDUCATION; REPORTS

(a) On or before June 30, 2021 and quarterly thereafter until March 31, 2023, the Agency of Education shall provide a written report to the General Assembly and the Vermont Association of School Business Officials on the status of improving and implementing the Shared School District Data Management System, including the status of:

- (1) system outages;
- (2) bank reconciliations;
- (3) reporting enhancements;
- (4) systems enhancements; and
- (5) user training.

(b) In preparing the quarterly reports, the Agency shall collect input from the Vermont Association of School Business Officials and professional accounting firms engaged in the process of conducting school district audits in Vermont.

* * * State Board of Education; Agency of Education; Roles and Responsibilities * * *

Sec. 18. STATE BOARD OF EDUCATION; AGENCY OF EDUCATION;
ROLES AND RESPONSIBILITIES

(a) On or before December 15, 2021, the State Board of Education and the Agency of Education shall jointly report to the House and Senate Committees on Education on how the roles and responsibilities of the State Board and the Agency should be restructured to ensure that:

(1) the prekindergarten through grade 12 educational system meets the needs of all students on a fair and equitable basis;

(2) federal and State statutory mandates are carried out in a professional and timely manner, including the updating of rules;

(3) the State Board and the Agency have the resources necessary to fulfill their roles and responsibilities, including an adequate number of qualified and properly trained staff; and

(4) the State Board and the Agency maximize operational and administrative efficiencies.

(b) As part of this process, the State Board and the Agency shall identify and document all federal and State statutory mandates and rules for which they are responsible and assess whether they are being carried out in a professional and timely manner. The results of this analysis shall be included in the report required under subsection (a) of this section.

(c) If the State Board and the Agency cannot agree on how the roles and responsibilities of the State Board and the Agency should be restructured to meet the goals under subsection (a) of this section, then they shall each identify in the report the areas of agreement and disagreement and explain why its proposal best achieves these goals. The report shall not include legislative language, which shall be developed after the Committees have considered the report.

* * * Effective Dates * * *

Sec. 19. EFFECTIVE DATES

This act shall take effect on passage, except that school districts and approved independent schools shall comply with the requirements of Sec. 11 (menstrual products) for the 2022–2023 school year and thereafter.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that House propose to the Senate to amend the bill as recommended by the Committee on Education.

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

Thereupon, **Rep. Christie of Hartford** moved to amend the report of the Committee on Education as follows:

First: In Sec. 14, findings and purpose, by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b) The purpose of Secs. 15–17 of this act is to:

(1) extend the deadline to December 31, 2022 for statewide adoption of eFinancePlus;

(2) pause until January 1, 2022 the further implementation of eFinancePlus to provide time for further evaluation of the system, provided that:

(A) the Agency of Education and its contractor for implementation of the system shall continue to support users of the system; and

(B) a supervisory union, supervisory district, school district, or independent technical center district that does not use the system may join an implementation round offered by the Agency of Education during the pause period upon approval by its governing body;

(3) require the Agency of Education to issue status reports to the General Assembly; and

(4) make adoption of eFinancePlus voluntary.

Second: In Sec. 15, 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.500.1, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) Not later than July 1 December 31, 2022, all Vermont supervisory unions, supervisory districts, school districts, and independent ~~tech~~ technical center districts shall are encouraged to utilize the same school finance and financial data management system. The system shall be selected by the Agency of Education per State procurement guidelines.

* * *

Which was disagreed to on a vote by division: Yeas, 18; Nays, 114.

Thereafter, **Reps. Scheu of Middlebury, Fagan of Rutland City, Feltus of Lyndon, Harrison of Chittenden, Hooper of Montpelier, Squirrell of Underhill, Toleno of Brattleboro, Townsend of South Burlington, and Yacovone of Morristown** moved to amend the report of the Committee on Education as follows:

First: In Sec. 1, Working Group on the Status of Libraries in Vermont; report, in subsection (k) (appropriation), immediately following the words “The sum of” by striking out the number “\$4,000.00” and inserting in lieu thereof the number “\$12,000.00”

Second: In Sec. 13, appropriations; Vermont Ethnic and Social Equity Standards Advisory Working Group, in subsection (a), immediately following the words “The sum of” by striking out the number “\$1,500.00” and inserting in lieu thereof the number “\$3,700.00”

Which was agreed to.

Thereupon, the report of the Committee on Education, as amended, was agreed to, and third reading was ordered.

Senate Proposal of Amendment Concurred in

H. 108

The Senate proposed to the House to amend House bill, entitled

An act relating to Vermont standards for issuing a Clean Water Act section 401 certification

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. 10 V.S.A. § 1253(h) is added to read:

(h)(1) The Secretary shall administer a Clean Water Act Section 401 certification program to review activities that require a federal license or permit to ensure that a proposed activity complies with the Vermont Water Quality Standards, as well as with any other appropriate requirement of State law, including:

(A) 10 V.S.A. chapter 37 (wetlands protection and water resources management);

(B) 10 V.S.A. chapter 41 (regulation of stream flow);

(C) 10 V.S.A. § 1264 (stormwater management);

(D) 29 V.S.A. chapter 11 (management of lakes and ponds); and

(E) the Agency of Natural Resources Rules for Water Withdrawals for Snowmaking.

(2) The Secretary of Natural Resources shall not grant an application for certification under Section 401 of the Clean Water Act unless the applicant demonstrates all of the following:

(A) there is no practicable alternative to the proposed activity that would have a less adverse impact on waters and wetlands of the State and provided that any proposed alternative shall not have other significant adverse human health, safety, or environmental consequences;

(B) the proposed activity will not result in the violation of any applicable water quality criteria established in the Vermont Water Quality Standards; and

(C) the proposed activity will not result in a violation of the State's antidegradation policy.

(3)(A) An alternative is considered practicable under subdivision (2)(A) of this subsection (h) if it is available and capable of being completed after taking into consideration cost, existing technology, and logistics in light of overall purposes of the proposed activity.

(B) Failure to comply with the requirements of subdivision (2)(A) of this subsection (h) shall not be the basis for denial of an application for a certification under Section 401 of the Clean Water Act if the proposed activity is exempt from those requirements under a rule adopted by the Secretary.

(4) The Secretary may issue a certification required by this subsection to any general permit or authorization issued by a federal agency. An applicant's compliance with that federal permit or authorization shall be presumed to be in compliance with the certification unless the Secretary determines that an individual review of the applicant's activity is necessary to assure compliance with the Vermont Water Quality Standards and other appropriate State laws.

Sec. 2. AGENCY OF NATURAL RESOURCES; VERMONT WATER QUALITY STANDARDS; RULEMAKING

The Secretary of Natural Resources shall amend the Vermont Water Quality Standards (VWQS) to include the following:

(1) An amendment to the Classification of State Waters to clarify that with regard to all Class I and II wetlands, as defined in 10 V.S.A. § 902, the uses to be protected include the functions and values of the wetland as described in Section 5 of the Vermont Wetland Rules.

(2) An amendment to the antidegradation policy to clarify that wetlands

and their functions and values shall be protected as described by the Vermont Wetland Rules.

(3) Any additional provisions that the Secretary of Natural Resources determines are necessary to implement the requirements of 10 V.S.A. § 1253(h), including any exemptions to the requirements of 10 V.S.A. § 1253(h)(2)(A) for projects that are not likely to have significant impacts on water quality or wetland functions or values. Railroad projects or State or municipal road or highway projects shall be exempt from the requirements of 10 V.S.A. § 1253(h)(2)(A).

Sec. 3. RULEMAKING IMPLEMENTATION; TIMING

(a) The Secretary of Natural Resources shall file with the Secretary of State under 3 V.S.A. § 838 a copy of the proposed rules required by Sec. 2 of this act within 90 days following the effective date of this act.

(b) On or before January 15, 2022, the Secretary of Natural Resources shall submit to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy a report regarding the status of the rulemaking required by Sec. 2 of this act. The report shall include a draft of the rules.

(c) On or before March 1, 2022, the Secretary of Natural Resources shall file with the Secretary of State under 3 V.S.A. § 841 a final proposal of the rules required by Sec. 2 of this act.

Sec. 4. EFFECTIVE DATES

(a) This section and Secs. 2 and 3, VWQS rulemaking, shall take effect on passage.

(b) Sec. 1, certification program, shall take effect on the effective date of the rules required to be adopted under Sec. 2.

Proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Not Concurred in; Committee of Conference Requested and Appointed

H. 439

The Senate proposed to the House to amend House bill, entitled

An act relating to making appropriations for the support of government

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. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2022 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2022. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those that can be supported by funds appropriated in this act or other acts passed prior to June 30, 2021. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2022 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serves as the primary source and reference for appropriations for fiscal year 2022.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single year appropriations and only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending on June 30, 2022.

Sec. A.103 DEFINITIONS

(a) As used in this act:

(1) “Encumbrances” means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The Commissioner of Finance and Management shall make final decisions on the appropriateness of encumbrances.

(2) “Grants” means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to persons who are not wards of the State for services or supplies and means cash or other direct assistance, including pension contributions.

(3) “Operating expenses” means property management; repair and maintenance; rental expenses; insurance; postage; travel; energy and utilities; office and other supplies; equipment, including motor vehicles, highway materials, and construction; expenditures for the purchase of land and construction of new buildings and permanent improvements; and similar items.

(4) “Personal services” means wages and salaries, fringe benefits, per diems, contracted third-party services, and similar items.

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

Sec. A.105 OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the State appropriations shall control, notwithstanding receipts being greater or less than anticipated.

Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2022, the Governor, with the approval of the General Assembly or the Joint Fiscal Committee if the General Assembly is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The Governor, with the approval of the General Assembly or the Joint Fiscal Committee if the General Assembly is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2022, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2021 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for not more than 45 days prior to Legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor’s request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal year 2022 except for new positions authorized by the 2021 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriations of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations or government functions, or both. The function areas by section numbers are as follows:

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community Development</u>
<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>
<u>B.1000–B.1099 and E.1000–E.1099</u>	<u>Debt Service</u>
<u>B.1100–B.1199 and E.1100–E.1199</u>	<u>One-time and other appropriation actions</u>

(b) The C sections contain any amendments to the current fiscal year, the D sections contain fund transfers and reserve allocations for the upcoming budget year, the F sections contain Pay Act provisions and the G sections contain provisions to the American Rescue Plan Act – Coronavirus Relief Fund expenditures and other related funding.

Sec. B.100 Secretary of administration - secretary's office

Personal services	1,400,682
Operating expenses	104,476
Grants	<u>125,000</u>

Total	1,630,158
Source of funds	
General fund	1,121,847
Special funds	156,000
Internal service funds	173,452
Interdepartmental transfers	<u>178,859</u>
Total	1,630,158
Sec. B.101 Secretary of administration - finance	
Personal services	1,201,006
Operating expenses	<u>111,676</u>
Total	1,312,682
Source of funds	
Interdepartmental transfers	<u>1,312,682</u>
Total	1,312,682
Sec. B.102 Secretary of administration - workers' compensation insurance	
Personal services	857,369
Operating expenses	<u>118,051</u>
Total	975,420
Source of funds	
Internal service funds	<u>975,420</u>
Total	975,420
Sec. B.103 Secretary of administration - general liability insurance	
Personal services	595,683
Operating expenses	<u>43,858</u>
Total	639,541
Source of funds	
Internal service funds	<u>639,541</u>
Total	639,541
Sec. B.104 Secretary of administration - all other insurance	
Personal services	100,000
Operating expenses	<u>17,643</u>
Total	117,643
Source of funds	
Internal service funds	<u>117,643</u>
Total	117,643
Sec. B.105 Agency of digital services - communications and information technology	
Personal services	56,068,290

Operating expenses	<u>27,848,442</u>
Total	83,916,732
Source of funds	
General fund	174,342
Special funds	387,710
Internal service funds	<u>83,354,680</u>
Total	83,916,732
Sec. B.106 Finance and management - budget and management	
Personal services	1,546,300
Operating expenses	<u>326,217</u>
Total	1,872,517
Source of funds	
General fund	1,277,150
Internal service funds	<u>595,367</u>
Total	1,872,517
Sec. B.107 Finance and management - financial operations	
Personal services	2,148,578
Operating expenses	<u>701,465</u>
Total	2,850,043
Source of funds	
Internal service funds	<u>2,850,043</u>
Total	2,850,043
Sec. B.108 Human resources - operations	
Personal services	8,799,075
Operating expenses	<u>1,287,313</u>
Total	10,086,388
Source of funds	
General fund	2,044,399
Special funds	263,589
Internal service funds	7,334,516
Interdepartmental transfers	<u>443,884</u>
Total	10,086,388
Sec. B.108.1 Human resources - VTHR operations	
Personal services	1,666,791
Operating expenses	<u>705,383</u>
Total	2,372,174
Source of funds	
Internal service funds	<u>2,372,174</u>
Total	2,372,174

 Sec. B.109 Human resources - employee benefits & wellness

Personal services	984,701
Operating expenses	<u>571,628</u>
Total	1,556,329
Source of funds	
Internal service funds	<u>1,556,329</u>
Total	1,556,329

Sec. B.110 Libraries

Personal services	2,148,542
Operating expenses	902,085
Grants	<u>207,795</u>
Total	3,258,422
Source of funds	
General fund	1,965,363
Special funds	34,327
Federal funds	1,150,041
Interdepartmental transfers	<u>108,691</u>
Total	3,258,422

Sec. B.111 Tax - administration/collection

Personal services	16,359,596
Operating expenses	<u>6,063,586</u>
Total	22,423,182
Source of funds	
General fund	20,382,265
Special funds	2,006,808
Interdepartmental transfers	<u>34,109</u>
Total	22,423,182

Sec. B.112 Buildings and general services - administration

Personal services	715,251
Operating expenses	<u>104,757</u>
Total	820,008
Source of funds	
Interdepartmental transfers	<u>820,008</u>
Total	820,008

Sec. B.113 Buildings and general services - engineering

Personal services	2,627,067
Operating expenses	<u>1,497,407</u>
Total	4,124,474

Source of funds	
Interdepartmental transfers	<u>4,124,474</u>
Total	4,124,474
Sec. B.114 Buildings and general services - information centers	
Personal services	2,830,882
Operating expenses	<u>2,211,147</u>
Total	5,042,029
Source of funds	
General fund	630,652
Transportation fund	3,911,594
Special funds	<u>499,783</u>
Total	5,042,029
Sec. B.115 Buildings and general services - purchasing	
Personal services	1,029,319
Operating expenses	<u>211,360</u>
Total	1,240,679
Source of funds	
General fund	<u>1,240,679</u>
Total	1,240,679
Sec. B.116 Buildings and general services - postal services	
Personal services	677,141
Operating expenses	<u>247,846</u>
Total	924,987
Source of funds	
General fund	82,511
Internal service funds	<u>842,476</u>
Total	924,987
Sec. B.117 Buildings and general services - copy center	
Personal services	763,585
Operating expenses	<u>173,362</u>
Total	936,947
Source of funds	
Internal service funds	<u>936,947</u>
Total	936,947
Sec. B.118 Buildings and general services - fleet management services	
Personal services	693,313
Operating expenses	<u>242,645</u>
Total	935,958

Source of funds	
Internal service funds	<u>935,958</u>
Total	935,958
Sec. B.119 Buildings and general services - federal surplus property	
Operating expenses	<u>6,840</u>
Total	6,840
Source of funds	
Enterprise funds	<u>6,840</u>
Total	6,840
Sec. B.120 Buildings and general services - state surplus property	
Personal services	303,458
Operating expenses	<u>124,052</u>
Total	427,510
Source of funds	
Internal service funds	<u>427,510</u>
Total	427,510
Sec. B.121 Buildings and general services - property management	
Personal services	1,310,767
Operating expenses	<u>486,368</u>
Total	1,797,135
Source of funds	
Internal service funds	<u>1,797,135</u>
Total	1,797,135
Sec. B.122 Buildings and general services - fee for space	
Personal services	15,866,280
Operating expenses	<u>13,699,234</u>
Total	29,565,514
Source of funds	
Internal service funds	<u>29,565,514</u>
Total	29,565,514
Sec. B.124 Executive office - governor's office	
Personal services	1,394,981
Operating expenses	<u>475,012</u>
Total	1,869,993
Source of funds	
General fund	1,672,493
Interdepartmental transfers	<u>197,500</u>
Total	1,869,993

Sec. B.125 Legislative counsel	
Personal services	3,149,408
Operating expenses	<u>250,828</u>
Total	3,400,236
Source of funds	
General fund	<u>3,400,236</u>
Total	3,400,236
Sec. B.126 Legislature	
Personal services	5,033,474
Operating expenses	<u>3,768,163</u>
Total	8,801,637
Source of funds	
General fund	<u>8,801,637</u>
Total	8,801,637
Sec. B.126.1 Legislative information technology	
Personal services	1,028,974
Operating expenses	<u>562,941</u>
Total	1,591,915
Source of funds	
General fund	<u>1,591,915</u>
Total	1,591,915
Sec. B.127 Joint fiscal committee	
Personal services	2,288,387
Operating expenses	<u>158,873</u>
Total	2,447,260
Source of funds	
General fund	2,322,260
Interdepartmental transfers	<u>125,000</u>
Total	2,447,260
Sec. B.128 Sergeant at arms	
Personal services	954,232
Operating expenses	<u>113,792</u>
Total	1,068,024
Source of funds	
General fund	<u>1,068,024</u>
Total	1,068,024

Sec. B.129 Lieutenant governor	
Personal services	200,056
Operating expenses	<u>39,473</u>
Total	239,529
Source of funds	
General fund	<u>239,529</u>
Total	239,529
Sec. B.130 Auditor of accounts	
Personal services	3,965,350
Operating expenses	<u>155,226</u>
Total	4,120,576
Source of funds	
General fund	344,615
Special funds	53,145
Internal service funds	<u>3,722,816</u>
Total	4,120,576
Sec. B.131 State treasurer	
Personal services	4,066,430
Operating expenses	<u>222,134</u>
Total	4,288,564
Source of funds	
General fund	1,066,424
Special funds	3,064,451
Interdepartmental transfers	<u>157,689</u>
Total	4,288,564
Sec. B.132 State treasurer - unclaimed property	
Personal services	801,509
Operating expenses	<u>333,777</u>
Total	1,135,286
Source of funds	
Private purpose trust funds	<u>1,135,286</u>
Total	1,135,286
Sec. B.133 Vermont state retirement system	
Personal services	3,338,784
Operating expenses	<u>1,517,283</u>
Total	4,856,067
Source of funds	
Pension trust funds	<u>4,856,067</u>

Total	4,856,067
Sec. B.134 Municipal employees' retirement system	
Personal services	1,372,679
Operating expenses	<u>940,333</u>
Total	2,313,012
Source of funds	
Pension trust funds	<u>2,313,012</u>
Total	2,313,012
Sec. B.135 State labor relations board	
Personal services	227,764
Operating expenses	<u>54,876</u>
Total	282,640
Source of funds	
General fund	273,064
Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	282,640
Sec. B.136 VOSHA review board	
Personal services	77,471
Operating expenses	<u>14,444</u>
Total	91,915
Source of funds	
General fund	45,958
Interdepartmental transfers	<u>45,957</u>
Total	91,915
Sec. B.136.1 Ethics Commission	
Personal services	83,826
Operating expenses	<u>29,491</u>
Total	113,317
Source of funds	
Internal service funds	<u>113,317</u>
Total	113,317
Sec. B.137 Homeowner rebate	
Grants	<u>18,600,000</u>
Total	18,600,000
Source of funds	
General fund	<u>18,600,000</u>
Total	18,600,000

Sec. B.138 Renter rebate	
Grants	<u>9,500,000</u>
Total	9,500,000
Source of funds	
General fund	<u>9,500,000</u>
Total	9,500,000
Sec. B.139 Tax department - reappraisal and listing payments	
Grants	<u>3,313,356</u>
Total	3,313,356
Source of funds	
General fund	<u>3,313,356</u>
Total	3,313,356
Sec. B.140 Municipal current use	
Grants	<u>17,824,193</u>
Total	17,824,193
Source of funds	
General fund	<u>17,824,193</u>
Total	17,824,193
Sec. B.142 Payments in lieu of taxes	
Grants	<u>9,750,000</u>
Total	9,750,000
Source of funds	
Special funds	<u>9,750,000</u>
Total	9,750,000
Sec. B.143 Payments in lieu of taxes - Montpelier	
Grants	<u>184,000</u>
Total	184,000
Source of funds	
Special funds	<u>184,000</u>
Total	184,000
Sec. B.144 Payments in lieu of taxes - correctional facilities	
Grants	<u>40,000</u>
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000

Sec. B.145 Total general government

Source of funds	
General fund	98,982,912
Transportation fund	3,911,594
Special funds	16,446,601
Federal funds	1,150,041
Internal service funds	138,310,838
Interdepartmental transfers	7,551,641
Enterprise funds	6,840
Pension trust funds	7,169,079
Private purpose trust funds	<u>1,135,286</u>
Total	274,664,832

Sec. B.200 Attorney general

Personal services	11,337,832
Operating expenses	1,555,031
Grants	<u>26,500</u>
Total	12,919,363
Source of funds	
General fund	6,246,043
Special funds	1,886,016
Tobacco fund	348,000
Federal funds	1,382,278
Interdepartmental transfers	<u>3,057,026</u>
Total	12,919,363

Sec. B.201 Vermont court diversion

Personal services	244,715
Grants	<u>2,682,925</u>
Total	2,927,640
Source of funds	
General fund	2,669,643
Special funds	<u>257,997</u>
Total	2,927,640

Sec. B.202 Defender general - public defense

Personal services	12,655,062
Operating expenses	<u>1,140,326</u>
Total	13,795,388
Source of funds	
General fund	13,205,735
Special funds	<u>589,653</u>

Total	13,795,388
Sec. B.203 Defender general - assigned counsel	
Personal services	6,071,919
Operating expenses	<u>49,500</u>
Total	6,121,419
Source of funds	
General fund	<u>6,121,419</u>
Total	6,121,419
Sec. B.204 Judiciary	
Personal services	43,787,084
Operating expenses	10,626,239
Grants	<u>121,030</u>
Total	54,534,353
Source of funds	
General fund	48,337,826
Special funds	3,200,659
Federal funds	900,469
Interdepartmental transfers	<u>2,095,399</u>
Total	54,534,353
Sec. B.205 State's attorneys	
Personal services	14,772,449
Operating expenses	<u>1,941,311</u>
Total	16,713,760
Source of funds	
General fund	13,745,777
Special funds	85,324
Federal funds	212,828
Interdepartmental transfers	<u>2,669,831</u>
Total	16,713,760
Sec. B.206 Special investigative unit	
Personal services	86,200
Grants	<u>2,014,230</u>
Total	2,100,430
Source of funds	
General fund	<u>2,100,430</u>
Total	2,100,430
Sec. B.207 Sheriffs	
Personal services	4,251,923

Operating expenses	<u>398,724</u>
Total	4,650,647
Source of funds	
General fund	<u>4,650,647</u>
Total	4,650,647
Sec. B.208 Public safety - administration	
Personal services	4,005,613
Operating expenses	<u>4,835,894</u>
Total	8,841,507
Source of funds	
General fund	5,070,962
Special funds	4,105
Federal funds	556,962
Interdepartmental transfers	<u>3,209,478</u>
Total	8,841,507
Sec. B.209 Public safety - state police	
Personal services	59,873,563
Operating expenses	12,188,735
Grants	<u>867,153</u>
Total	72,929,451
Source of funds	
General fund	43,273,740
Transportation fund	20,250,000
Special funds	3,103,294
Federal funds	4,417,066
Interdepartmental transfers	<u>1,885,351</u>
Total	72,929,451
Sec. B.210 Public safety - criminal justice services	
Personal services	4,854,150
Operating expenses	<u>1,748,074</u>
Total	6,602,224
Source of funds	
General fund	1,813,747
Special funds	4,169,503
Federal funds	<u>618,974</u>
Total	6,602,224
Sec. B.211 Public safety - emergency management	
Personal services	3,622,802
Operating expenses	1,208,465

Grants	<u>12,749,486</u>
Total	17,580,753
Source of funds	
General fund	589,847
Special funds	710,000
Federal funds	16,273,680
Interdepartmental transfers	<u>7,226</u>
Total	17,580,753
Sec. B.212 Public safety - fire safety	
Personal services	6,900,872
Operating expenses	2,621,228
Grants	<u>107,000</u>
Total	9,629,100
Source of funds	
General fund	461,669
Special funds	8,639,610
Federal funds	482,821
Interdepartmental transfers	<u>45,000</u>
Total	9,629,100
Sec. B.213 Public safety - Forensic Laboratory	
Personal services	3,051,799
Operating expenses	<u>1,111,583</u>
Total	4,163,382
Source of funds	
General fund	3,217,665
Special funds	61,852
Federal funds	531,072
Interdepartmental transfers	<u>352,793</u>
Total	4,163,382
Sec. B.215 Military - administration	
Personal services	705,613
Operating expenses	649,055
Grants	<u>1,319,834</u>
Total	2,674,502
Source of funds	
General fund	<u>2,674,502</u>
Total	2,674,502
Sec. B.216 Military - air service contract	
Personal services	6,926,201

Operating expenses	<u>1,126,174</u>
Total	8,052,375
Source of funds	
General fund	613,964
Federal funds	<u>7,438,411</u>
Total	8,052,375
Sec. B.217 Military - army service contract	
Personal services	13,662,589
Operating expenses	<u>8,036,445</u>
Total	21,699,034
Source of funds	
Federal funds	<u>21,699,034</u>
Total	21,699,034
Sec. B.218 Military - building maintenance	
Personal services	877,574
Operating expenses	<u>719,418</u>
Total	1,596,992
Source of funds	
General fund	1,534,492
Special funds	<u>62,500</u>
Total	1,596,992
Sec. B.219 Military - veterans' affairs	
Personal services	868,747
Operating expenses	169,267
Grants	<u>49,300</u>
Total	1,087,314
Source of funds	
General fund	823,965
Special funds	163,349
Federal funds	<u>100,000</u>
Total	1,087,314
Sec. B.220 Center for crime victim services	
Personal services	1,848,483
Operating expenses	386,510
Grants	<u>10,388,535</u>
Total	12,623,528
Source of funds	
General fund	1,382,712
Special funds	4,628,381

Federal funds	<u>6,612,435</u>
Total	12,623,528
Sec. B.221 Criminal justice council	
Personal services	1,789,698
Operating expenses	<u>1,382,557</u>
Total	3,172,255
Source of funds	
General fund	2,931,638
Interdepartmental transfers	<u>240,617</u>
Total	3,172,255
Sec. B.222 Agriculture, food and markets - administration	
Personal services	1,708,448
Operating expenses	458,028
Grants	<u>227,972</u>
Total	2,394,448
Source of funds	
General fund	1,037,364
Special funds	901,167
Federal funds	<u>455,917</u>
Total	2,394,448
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	4,295,567
Operating expenses	731,597
Grants	<u>2,780,000</u>
Total	7,807,164
Source of funds	
General fund	2,998,665
Special funds	3,647,045
Federal funds	1,154,454
Interdepartmental transfers	<u>7,000</u>
Total	7,807,164
Sec. B.224 Agriculture, food and markets - agricultural development	
Personal services	3,259,502
Operating expenses	601,797
Grants	<u>3,212,425</u>
Total	7,073,724
Source of funds	
General fund	2,230,367

Special funds	686,753
Federal funds	<u>4,156,604</u>
Total	7,073,724
Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship	
Personal services	2,689,658
Operating expenses	623,905
Grants	<u>295,334</u>
Total	3,608,897
Source of funds	
General fund	778,555
Special funds	2,084,017
Federal funds	466,470
Interdepartmental transfers	<u>279,855</u>
Total	3,608,897
Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab	
Personal services	1,658,109
Operating expenses	<u>1,072,026</u>
Total	2,730,135
Source of funds	
General fund	972,444
Special funds	1,690,632
Interdepartmental transfers	<u>67,059</u>
Total	2,730,135
Sec. B.225.2 Agriculture, Food and Markets - Clean Water	
Personal services	3,249,011
Operating expenses	486,344
Grants	<u>4,060,891</u>
Total	7,796,246
Source of funds	
General fund	1,087,080
Special funds	6,089,920
Federal funds	133,534
Interdepartmental transfers	<u>485,712</u>
Total	7,796,246
Sec. B.226 Financial regulation - administration	
Personal services	2,192,277
Operating expenses	<u>287,859</u>

Total	2,480,136
Source of funds	
Special funds	<u>2,480,136</u>
Total	2,480,136
Sec. B.227 Financial regulation - banking	
Personal services	1,952,985
Operating expenses	<u>443,717</u>
Total	2,396,702
Source of funds	
Special funds	<u>2,396,702</u>
Total	2,396,702
Sec. B.228 Financial regulation - insurance	
Personal services	4,231,076
Operating expenses	<u>612,474</u>
Total	4,843,550
Source of funds	
Special funds	<u>4,843,550</u>
Total	4,843,550
Sec. B.229 Financial regulation - captive insurance	
Personal services	4,462,433
Operating expenses	<u>635,148</u>
Total	5,097,581
Source of funds	
Special funds	<u>5,097,581</u>
Total	5,097,581
Sec. B.230 Financial regulation - securities	
Personal services	1,090,028
Operating expenses	<u>267,752</u>
Total	1,357,780
Source of funds	
Special funds	<u>1,357,780</u>
Total	1,357,780
Sec. B.232 Secretary of state	
Personal services	10,735,193
Operating expenses	<u>3,366,058</u>
Total	14,101,251
Source of funds	
Special funds	12,643,807

Federal funds	<u>1,457,444</u>
Total	14,101,251
Sec. B.233 Public service - regulation and energy	
Personal services	10,455,905
Operating expenses	1,129,688
Grants	<u>858,000</u>
Total	12,443,593
Source of funds	
Special funds	10,812,770
Federal funds	1,001,919
ARRA funds	520,000
Interdepartmental transfers	55,000
Enterprise funds	<u>53,904</u>
Total	12,443,593
Sec. B.234 Public utility commission	
Personal services	3,412,556
Operating expenses	<u>495,007</u>
Total	3,907,563
Source of funds	
Special funds	<u>3,907,563</u>
Total	3,907,563
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	4,012,033
Operating expenses	<u>456,180</u>
Total	4,468,213
Source of funds	
Special funds	<u>4,468,213</u>
Total	4,468,213
Sec. B.236 Human rights commission	
Personal services	636,832
Operating expenses	<u>81,350</u>
Total	718,182
Source of funds	
General fund	639,626
Federal funds	<u>78,556</u>
Total	718,182
Sec. B.236.1 Liquor & Lottery Comm. Office	
Personal services	419,403

Operating expenses	<u>21,299</u>
Total	440,702
Source of funds	
Enterprise funds	<u>440,702</u>
Total	440,702
Sec. B.236.2 Lottery Operations	
Personal services	2,068,967
Operating expenses	1,469,560
Grants	<u>250,000</u>
Total	3,788,527
Source of funds	
Enterprise funds	<u>3,788,527</u>
Total	3,788,527
Sec. B.237 Liquor control - administration	
Personal services	3,754,315
Operating expenses	<u>1,178,748</u>
Total	4,933,063
Source of funds	
Tobacco fund	213,843
Enterprise funds	<u>4,719,220</u>
Total	4,933,063
Sec. B.238 Liquor control - enforcement and licensing	
Personal services	1,960,344
Operating expenses	<u>414,536</u>
Total	2,374,880
Source of funds	
Federal funds	184,484
Enterprise funds	<u>2,190,396</u>
Total	2,374,880
Sec. B.239 Liquor control - warehousing and distribution	
Personal services	1,062,133
Operating expenses	<u>530,736</u>
Total	1,592,869
Source of funds	
Enterprise funds	<u>1,592,869</u>
Total	1,592,869
Sec. B.240 Cannabis Control Board	
Personal services	<u>650,000</u>

Total	650,000
Source of funds	
Special funds	<u>650,000</u>
Total	650,000
Sec. B.241 Total protection to persons and property	
Source of funds	
General fund	170,798,024
Transportation fund	20,250,000
Special funds	91,319,879
Tobacco fund	561,843
Federal funds	70,315,412
ARRA funds	520,000
Interdepartmental transfers	14,457,347
Enterprise funds	<u>12,785,618</u>
Total	381,008,123
Sec. B.300 Human services - agency of human services - secretary's office	
Personal services	11,427,819
Operating expenses	5,214,621
Grants	<u>2,895,202</u>
Total	19,537,642
Source of funds	
General fund	8,430,401
Special funds	135,517
Federal funds	9,959,398
Global Commitment fund	453,000
Interdepartmental transfers	<u>559,326</u>
Total	19,537,642
Sec. B.301 Secretary's office - global commitment	
Grants	<u>1,680,637,999</u>
Total	1,680,637,999
Source of funds	
General fund	559,592,034
Special funds	33,370,086
Tobacco fund	21,049,373
State health care resources fund	17,078,501
Federal funds	1,044,929,568
Interdepartmental transfers	<u>4,618,437</u>
Total	1,680,637,999

 Sec. B.303 Developmental disabilities council

Personal services	389,631
Operating expenses	94,884
Grants	<u>191,595</u>
Total	676,110
Source of funds	
Special funds	12,000
Federal funds	<u>664,110</u>
Total	676,110

Sec. B.304 Human services board

Personal services	739,966
Operating expenses	<u>88,723</u>
Total	828,689
Source of funds	
General fund	474,851
Federal funds	<u>353,838</u>
Total	828,689

Sec. B.305 AHS - administrative fund

Personal services	330,000
Operating expenses	<u>10,170,000</u>
Total	10,500,000
Source of funds	
Interdepartmental transfers	<u>10,500,000</u>
Total	10,500,000

Sec. B.306 Department of Vermont health access - administration

Personal services	130,163,425
Operating expenses	26,394,423
Grants	<u>3,192,301</u>
Total	159,750,149
Source of funds	
General fund	32,776,219
Special funds	3,363,758
Federal funds	114,469,002
Global Commitment fund	4,314,039
Interdepartmental transfers	<u>4,827,131</u>
Total	159,750,149

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Personal services	547,983
Grants	<u>757,772,233</u>
Total	758,320,216
Source of funds	
Global Commitment fund	<u>758,320,216</u>
Total	758,320,216

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>42,367,754</u>
Total	42,367,754
Source of funds	
General fund	42,315,703
Global Commitment fund	<u>52,051</u>
Total	42,367,754

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>32,842,006</u>
Total	32,842,006
Source of funds	
General fund	12,664,602
Federal funds	<u>20,177,404</u>
Total	32,842,006

Sec. B.311 Health - administration and support

Personal services	5,753,602
Operating expenses	6,567,686
Grants	<u>6,313,608</u>
Total	18,634,896
Source of funds	
General fund	2,982,217
Special funds	2,061,857
Federal funds	7,777,658
Global Commitment fund	5,748,858
Interdepartmental transfers	<u>64,306</u>
Total	18,634,896

Sec. B.312 Health - public health

Personal services	48,721,754
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Operating expenses	10,018,085
Grants	<u>38,742,061</u>
Total	97,481,900
Source of funds	
General fund	11,154,334
Special funds	18,897,491
Tobacco fund	1,088,918
Federal funds	49,379,385
Global Commitment fund	15,938,349
Interdepartmental transfers	998,423
Permanent trust funds	<u>25,000</u>
Total	97,481,900
Sec. B.313 Health - alcohol and drug abuse programs	
Personal services	5,167,831
Operating expenses	511,500
Grants	<u>48,713,374</u>
Total	54,392,705
Source of funds	
General fund	1,238,534
Special funds	1,354,762
Tobacco fund	949,917
Federal funds	18,651,302
Global Commitment fund	<u>32,198,190</u>
Total	54,392,705
Sec. B.314 Mental health - mental health	
Personal services	32,985,332
Operating expenses	4,700,264
Grants	<u>246,498,959</u>
Total	284,184,555
Source of funds	
General fund	10,281,092
Special funds	1,685,284
Federal funds	9,398,134
Global Commitment fund	262,745,408
Interdepartmental transfers	<u>74,637</u>
Total	284,184,555
Sec. B.316 Department for children and families - administration & support services	
Personal services	38,362,798

Operating expenses	17,035,520
Grants	<u>3,819,106</u>
Total	59,217,424
Source of funds	
General fund	33,091,620
Special funds	2,711,682
Federal funds	21,062,298
Global Commitment fund	2,000,936
Interdepartmental transfers	<u>350,888</u>
Total	59,217,424
Sec. B.317 Department for children and families - family services	
Personal services	39,332,995
Operating expenses	4,997,338
Grants	<u>81,171,012</u>
Total	125,501,345
Source of funds	
General fund	49,047,462
Special funds	729,587
Federal funds	31,365,138
Global Commitment fund	44,344,158
Interdepartmental transfers	<u>15,000</u>
Total	125,501,345
Sec. B.318 Department for children and families - child development	
Personal services	5,020,429
Operating expenses	848,079
Grants	<u>97,511,841</u>
Total	103,380,349
Source of funds	
General fund	27,348,614
Special funds	16,820,000
Federal funds	48,274,814
Global Commitment fund	10,914,421
Interdepartmental transfers	<u>22,500</u>
Total	103,380,349
Sec. B.319 Department for children and families - office of child support	
Personal services	11,099,902
Operating expenses	<u>3,630,055</u>
Total	14,729,957
Source of funds	

General fund	4,368,322
Special funds	455,719
Federal funds	9,518,316
Interdepartmental transfers	<u>387,600</u>
Total	14,729,957
Sec. B.320 Department for children and families - aid to aged, blind and disabled	
Personal services	2,252,206
Grants	<u>10,298,023</u>
Total	12,550,229
Source of funds	
General fund	8,649,899
Global Commitment fund	<u>3,900,330</u>
Total	12,550,229
Sec. B.321 Department for children and families - general assistance	
Personal services	15,000
Grants	<u>9,041,574</u>
Total	9,056,574
Source of funds	
General fund	8,659,239
Federal funds	111,320
Global Commitment fund	<u>286,015</u>
Total	9,056,574
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	<u>29,827,906</u>
Total	29,827,906
Source of funds	
Federal funds	<u>29,827,906</u>
Total	29,827,906
Sec. B.323 Department for children and families - reach up	
Operating expenses	29,119
Grants	<u>31,875,664</u>
Total	31,904,783
Source of funds	
General fund	19,937,515
Special funds	5,854,320
Federal funds	3,431,330
Global Commitment fund	<u>2,681,618</u>
Total	31,904,783

Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP

Grants	<u>16,019,953</u>
Total	16,019,953
Source of funds	
Special funds	1,480,395
Federal funds	<u>14,539,558</u>
Total	16,019,953

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	636,177
Operating expenses	43,488
Grants	<u>13,165,262</u>
Total	13,844,927
Source of funds	
General fund	8,007,798
Special funds	57,990
Federal funds	4,423,154
Global Commitment fund	<u>1,355,985</u>
Total	13,844,927

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	352,504
Operating expenses	44,297
Grants	<u>12,038,018</u>
Total	12,434,819
Source of funds	
Special funds	7,617,551
Federal funds	<u>4,817,268</u>
Total	12,434,819

Sec. B.327 Department for Children and Families - Secure Residential Treatment

Personal services	258,100
Operating expenses	650,463
Grants	<u>3,476,862</u>
Total	4,385,425
Source of funds	
General fund	4,355,425
Global Commitment fund	<u>30,000</u>

Total	4,385,425
Sec. B.328 Department for children and families - disability determination services	
Personal services	7,139,139
Operating expenses	<u>460,858</u>
Total	7,599,997
Source of funds	
General fund	111,120
Federal funds	<u>7,488,877</u>
Total	7,599,997
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	33,906,585
Operating expenses	<u>5,953,426</u>
Total	39,860,011
Source of funds	
General fund	17,731,954
Special funds	1,390,457
Federal funds	19,671,316
Interdepartmental transfers	<u>1,066,284</u>
Total	39,860,011
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>19,295,893</u>
Total	19,295,893
Source of funds	
General fund	7,644,654
Federal funds	7,148,466
Global Commitment fund	<u>4,502,773</u>
Total	19,295,893
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	<u>1,661,457</u>
Total	1,661,457
Source of funds	
General fund	389,154
Special funds	223,450
Federal funds	743,853
Global Commitment fund	<u>305,000</u>

Total	1,661,457
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>7,024,368</u>
Total	7,024,368
Source of funds	
General fund	1,371,845
Federal funds	4,402,523
Interdepartmental transfers	<u>1,250,000</u>
Total	7,024,368
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>253,145,757</u>
Total	253,145,757
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	252,565,312
Interdepartmental transfers	<u>50,000</u>
Total	253,145,757
Sec. B.334 Disabilities, aging, and independent living - Brain injury home and community based waiver	
Grants	<u>5,615,050</u>
Total	5,615,050
Source of funds	
Global Commitment fund	<u>5,615,050</u>
Total	5,615,050
Sec. B.334.1 Disabilities, aging and independent living - Long Term Care	
Grants	<u>230,505,916</u>
Total	230,505,916
Source of funds	
General fund	498,579
Federal funds	2,083,333
Global Commitment fund	<u>227,924,004</u>
Total	230,505,916
Sec. B.335 Corrections - administration	
Personal services	3,075,938

Operating expenses	<u>238,644</u>
Total	3,314,582
Source of funds	
General fund	<u>3,314,582</u>
Total	3,314,582
Sec. B.336 Corrections - parole board	
Personal services	361,649
Operating expenses	<u>59,216</u>
Total	420,865
Source of funds	
General fund	<u>420,865</u>
Total	420,865
Sec. B.337 Corrections - correctional education	
Personal services	3,240,204
Operating expenses	<u>244,932</u>
Total	3,485,136
Source of funds	
Interdepartmental transfers	<u>3,485,136</u>
Total	3,485,136
Sec. B.338 Corrections - correctional services	
Personal services	119,627,239
Operating expenses	23,264,616
Grants	<u>9,308,427</u>
Total	152,200,282
Source of funds	
General fund	145,083,685
Special funds	935,963
Federal funds	473,523
Global Commitment fund	5,310,796
Interdepartmental transfers	<u>396,315</u>
Total	152,200,282
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>5,640,604</u>
Total	5,640,604
Source of funds	
General fund	<u>5,640,604</u>
Total	5,640,604

 Sec. B.340 Corrections - correctional facilities - recreation

Personal services	514,774
Operating expenses	<u>455,845</u>
Total	970,619
Source of funds	
Special funds	<u>970,619</u>
Total	970,619

Sec. B.341 Corrections - Vermont offender work program

Personal services	1,426,198
Operating expenses	<u>525,784</u>
Total	1,951,982
Source of funds	
Internal service funds	<u>1,951,982</u>
Total	1,951,982

Sec. B.342 Vermont veterans' home - care and support services

Personal services	19,020,560
Operating expenses	<u>5,426,960</u>
Total	24,447,520
Source of funds	
General fund	2,843,321
Special funds	11,868,942
Federal funds	<u>9,735,257</u>
Total	24,447,520

Sec. B.343 Commission on women

Personal services	334,422
Operating expenses	<u>71,369</u>
Total	405,791
Source of funds	
General fund	402,018
Special funds	<u>3,773</u>
Total	405,791

Sec. B.344 Retired senior volunteer program

Grants	<u>146,564</u>
Total	146,564
Source of funds	
General fund	<u>146,564</u>
Total	146,564

 Sec. B.345 Green Mountain Care Board

Personal services	7,351,808
Operating expenses	<u>385,835</u>
Total	7,737,643
Source of funds	
General fund	3,094,435
Special funds	<u>4,643,208</u>
Total	7,737,643

Sec. B.346 Total human services

Source of funds	
General fund	1,034,224,386
Special funds	116,659,874
Tobacco fund	23,088,208
State health care resources fund	17,078,501
Federal funds	1,495,237,906
Global Commitment fund	1,641,506,509
Internal service funds	1,951,982
Interdepartmental transfers	28,665,983
Permanent trust funds	<u>25,000</u>
Total	4,358,438,349

Sec. B.400 Labor - programs

Personal services	31,359,103
Operating expenses	7,701,210
Grants	<u>1,822,409</u>
Total	40,882,722
Source of funds	
General fund	5,394,154
Special funds	6,422,539
Federal funds	28,658,417
Interdepartmental transfers	<u>407,612</u>
Total	40,882,722

Sec. B.401 Total labor

Source of funds	
General fund	5,394,154
Special funds	6,422,539
Federal funds	28,658,417
Interdepartmental transfers	<u>407,612</u>
Total	40,882,722

Sec. B.500 Education - finance and administration

Personal services	13,479,879
Operating expenses	3,987,842
Grants	<u>16,770,700</u>
Total	34,238,421
Source of funds	
General fund	5,446,749
Special funds	18,343,202
Education fund	3,389,605
Federal funds	6,201,700
Global Commitment fund	260,000
Interdepartmental transfers	<u>597,165</u>
Total	34,238,421

Sec. B.501 Education - education services

Personal services	14,739,327
Operating expenses	1,073,385
Grants	<u>178,769,897</u>
Total	194,582,609
Source of funds	
General fund	4,580,935
Special funds	2,863,170
Tobacco fund	750,388
Federal funds	<u>186,388,116</u>
Total	194,582,609

Sec. B.502 Education - special education: formula grants

Grants	<u>229,000,000</u>
Total	229,000,000
Source of funds	
Education fund	<u>229,000,000</u>
Total	229,000,000

Sec. B.503 Education - state-placed students

Grants	<u>17,000,000</u>
Total	17,000,000
Source of funds	
Education fund	<u>17,000,000</u>
Total	17,000,000

Sec. B.504 Education - adult education and literacy

Grants	<u>4,262,900</u>
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Total	4,262,900
Source of funds	
General fund	3,496,850
Federal funds	<u>766,050</u>
Total	4,262,900
Sec. B.504.1 Education - Flexible Pathways	
Grants	<u>9,143,000</u>
Total	9,143,000
Source of funds	
General fund	921,500
Education fund	<u>8,221,500</u>
Total	9,143,000
Sec. B.505 Education - adjusted education payment	
Grants	<u>1,502,051,000</u>
Total	1,502,051,000
Source of funds	
Education fund	<u>1,502,051,000</u>
Total	1,502,051,000
Sec. B.506 Education - transportation	
Grants	<u>20,476,000</u>
Total	20,476,000
Source of funds	
Education fund	<u>20,476,000</u>
Total	20,476,000
Sec. B.507 Education - small school grants	
Grants	<u>8,100,000</u>
Total	8,100,000
Source of funds	
Education fund	<u>8,100,000</u>
Total	8,100,000
Sec. B.510 Education - essential early education grant	
Grants	<u>7,050,104</u>
Total	7,050,104
Source of funds	
Education fund	<u>7,050,104</u>
Total	7,050,104

 Sec. B.511 Education - technical education

Grants	<u>15,514,300</u>
Total	15,514,300
Source of funds	
Education fund	<u>15,514,300</u>
Total	15,514,300

Sec. B.511.1 State Board of Education

Personal services	38,905
Operating expenses	<u>31,803</u>
Total	70,708
Source of funds	
General fund	<u>70,708</u>
Total	70,708

Sec. B.514 State teachers' retirement system

Grants	<u>189,646,629</u>
Total	189,646,629
Source of funds	
General fund	152,045,711
Education fund	<u>37,600,918</u>
Total	189,646,629

Sec. B.514.1 State teachers' retirement system administration

Personal services	3,421,938
Operating expenses	<u>1,687,769</u>
Total	5,109,707
Source of funds	
Pension trust funds	<u>5,109,707</u>
Total	5,109,707

Sec. B.515 Retired teachers' health care and medical benefits

Grants	<u>48,929,622</u>
Total	48,929,622
Source of funds	
General fund	35,093,844
Education fund	<u>13,835,778</u>
Total	48,929,622

Sec. B.516 Total general education

Source of funds	
General fund	201,656,297

Special funds	21,206,372
Tobacco fund	750,388
Education fund	1,862,203,427
Federal funds	193,355,866
Global Commitment fund	260,000
Interdepartmental transfers	597,165
Pension trust funds	<u>5,109,707</u>
Total	2,285,139,222
Sec. B.600 University of Vermont	
Grants	<u>42,509,093</u>
Total	42,509,093
Source of funds	
General fund	<u>42,509,093</u>
Total	42,509,093
Sec. B.602 Vermont state colleges	
Grants	<u>30,500,464</u>
Total	30,500,464
Source of funds	
General fund	<u>30,500,464</u>
Total	30,500,464
Sec. B.602.2 Vermont state colleges - Transformation funding	
Grants	<u>5,000,000</u>
Total	5,000,000
Source of funds	
General fund	<u>5,000,000</u>
Total	5,000,000
Sec. B.603 Vermont state colleges - allied health	
Grants	<u>1,157,775</u>
Total	1,157,775
Source of funds	
General fund	748,314
Global Commitment fund	<u>409,461</u>
Total	1,157,775
Sec. B.605 Vermont student assistance corporation	
Grants	<u>22,251,315</u>
Total	22,251,315
Source of funds	
General fund	19,978,588

Interdepartmental transfers	<u>2,272,727</u>
Total	22,251,315
Sec. B.605.1 VSAC - Flexible Pathways Stipend	
Grants	<u>82,450</u>
Total	82,450
Source of funds	
General fund	41,225
Education fund	<u>41,225</u>
Total	82,450
Sec. B.606 New England higher education compact	
Grants	<u>84,000</u>
Total	84,000
Source of funds	
General fund	<u>84,000</u>
Total	84,000
Sec. B.607 University of Vermont - Morgan Horse Farm	
Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1
Sec. B.608 Total higher education	
Source of funds	
General fund	98,861,685
Education fund	41,225
Global Commitment fund	409,461
Interdepartmental transfers	<u>2,272,727</u>
Total	101,585,098
Sec. B.700 Natural resources - agency of natural resources - administration	
Personal services	4,035,622
Operating expenses	<u>1,220,341</u>
Total	5,255,963
Source of funds	
General fund	3,389,302
Special funds	590,134
Interdepartmental transfers	<u>1,276,527</u>
Total	5,255,963

 Sec. B.701 Natural resources - state land local property tax assessment

Operating expenses	<u>2,623,193</u>
Total	2,623,193
Source of funds	
General fund	2,196,040
Interdepartmental transfers	<u>427,153</u>
Total	2,623,193

Sec. B.702 Fish and wildlife - support and field services

Personal services	18,654,752
Operating expenses	6,717,480
Grants	<u>670,446</u>
Total	26,042,678
Source of funds	
General fund	6,403,816
Special funds	239,657
Fish and wildlife fund	9,561,364
Federal funds	8,504,410
Interdepartmental transfers	1,322,431
Permanent trust funds	<u>11,000</u>
Total	26,042,678

Sec. B.703 Forests, parks and recreation - administration

Personal services	827,425
Operating expenses	<u>1,309,059</u>
Total	2,136,484
Source of funds	
General fund	<u>2,136,484</u>
Total	2,136,484

Sec. B.704 Forests, parks and recreation - forestry

Personal services	6,525,761
Operating expenses	785,127
Grants	<u>1,417,718</u>
Total	8,728,606
Source of funds	
General fund	4,976,669
Special funds	1,038,423
Federal funds	2,456,651
Interdepartmental transfers	<u>256,863</u>
Total	8,728,606

Sec. B.705 Forests, parks and recreation - state parks

Personal services	10,025,540
Operating expenses	2,741,662
Grants	<u>70,000</u>
Total	12,837,202
Source of funds	
General fund	1,063,266
Special funds	<u>11,773,936</u>
Total	12,837,202

Sec. B.706 Forests, parks and recreation - lands administration and recreation

Personal services	2,145,871
Operating expenses	1,355,338
Grants	<u>2,827,587</u>
Total	6,328,796
Source of funds	
General fund	916,929
Special funds	2,206,789
Federal funds	3,082,578
Interdepartmental transfers	<u>122,500</u>
Total	6,328,796

Sec. B.708 Forests, parks and recreation - forest and parks access roads

Personal services	110,000
Operating expenses	<u>69,925</u>
Total	179,925
Source of funds	
General fund	<u>179,925</u>
Total	179,925

Sec. B.709 Environmental conservation - management and support services

Personal services	6,421,694
Operating expenses	3,951,865
Grants	<u>145,000</u>
Total	10,518,559
Source of funds	
General fund	1,749,088
Special funds	350,323
Federal funds	1,112,314
Interdepartmental transfers	<u>7,306,834</u>
Total	10,518,559

 Sec. B.710 Environmental conservation - air and waste management

Personal services	25,302,612
Operating expenses	10,449,327
Grants	<u>5,223,462</u>
Total	40,975,401
Source of funds	
General fund	154,530
Special funds	36,839,568
Federal funds	3,822,700
Interdepartmental transfers	<u>158,603</u>
Total	40,975,401

Sec. B.711 Environmental conservation - office of water programs

Personal services	28,652,311
Operating expenses	6,722,953
Grants	<u>31,788,617</u>
Total	67,163,881
Source of funds	
General fund	7,895,437
Special funds	22,601,929
Federal funds	36,003,082
Interdepartmental transfers	<u>663,433</u>
Total	67,163,881

Sec. B.713 Natural resources board

Personal services	2,597,208
Operating expenses	<u>545,630</u>
Total	3,142,838
Source of funds	
General fund	631,629
Special funds	<u>2,511,209</u>
Total	3,142,838

Sec. B.714 Total natural resources

Source of funds	
General fund	31,693,115
Special funds	78,151,968
Fish and wildlife fund	9,561,364
Federal funds	54,981,735
Interdepartmental transfers	11,534,344
Permanent trust funds	<u>11,000</u>
Total	185,933,526

Sec. B.800 Commerce and community development - agency of commerce
and community development - administration

Personal services	1,970,330
Operating expenses	991,006
Grants	<u>579,820</u>
Total	3,541,156
Source of funds	
General fund	3,150,156
Federal funds	<u>391,000</u>
Total	3,541,156

Sec. B.801 Economic development

Personal services	3,680,070
Operating expenses	1,042,941
Grants	<u>7,458,839</u>
Total	12,181,850
Source of funds	
General fund	4,898,915
Special funds	1,685,350
Federal funds	3,907,085
Interdepartmental transfers	<u>1,690,500</u>
Total	12,181,850

Sec. B.802 Housing and community development

Personal services	4,067,492
Operating expenses	631,346
Grants	<u>24,757,290</u>
Total	29,456,128
Source of funds	
General fund	3,884,934
Special funds	4,890,245
Federal funds	18,277,129
Interdepartmental transfers	<u>2,403,820</u>
Total	29,456,128

Sec. B.806 Tourism and marketing

Personal services	1,875,235
Operating expenses	1,553,194
Grants	<u>76,880</u>
Total	3,505,309
Source of funds	
General fund	3,485,309

Interdepartmental transfers	<u>20,000</u>
Total	3,505,309
Sec. B.808 Vermont council on the arts	
Grants	<u>722,859</u>
Total	722,859
Source of funds	
General fund	<u>722,859</u>
Total	722,859
Sec. B.809 Vermont symphony orchestra	
Grants	<u>136,978</u>
Total	136,978
Source of funds	
General fund	<u>136,978</u>
Total	136,978
Sec. B.810 Vermont historical society	
Grants	<u>982,317</u>
Total	982,317
Source of funds	
General fund	<u>982,317</u>
Total	982,317
Sec. B.811 Vermont housing and conservation board	
Grants	<u>30,806,887</u>
Total	30,806,887
Source of funds	
Special funds	11,370,550
Federal funds	<u>19,436,337</u>
Total	30,806,887
Sec. B.812 Vermont humanities council	
Grants	<u>227,989</u>
Total	227,989
Source of funds	
General fund	<u>227,989</u>
Total	227,989
Sec. B.813 Total commerce and community development	
Source of funds	
General fund	17,489,457
Special funds	17,946,145

Federal funds	42,011,551
Interdepartmental transfers	<u>4,114,320</u>
Total	81,561,473
Sec. B.900 Transportation - finance and administration	
Personal services	13,654,880
Operating expenses	2,507,103
Grants	<u>50,000</u>
Total	16,211,983
Source of funds	
Transportation fund	15,815,083
Federal funds	<u>396,900</u>
Total	16,211,983
Sec. B.901 Transportation - aviation	
Personal services	3,734,269
Operating expenses	6,007,377
Grants	<u>710,000</u>
Total	10,451,646
Source of funds	
Transportation fund	5,556,388
Federal funds	<u>4,895,258</u>
Total	10,451,646
Sec. B.902 Transportation - buildings	
Operating expenses	<u>850,000</u>
Total	850,000
Source of funds	
Transportation fund	<u>850,000</u>
Total	850,000
Sec. B.903 Transportation - program development	
Personal services	58,611,534
Operating expenses	227,109,245
Grants	<u>28,813,660</u>
Total	314,534,439
Source of funds	
Transportation fund	48,717,849
TIB fund	10,597,637
Federal funds	254,737,875
Local match	<u>481,078</u>
Total	314,534,439

 Sec. B.904 Transportation - rest areas construction

Personal services	195,000
Operating expenses	<u>1,265,000</u>
Total	1,460,000
Source of funds	
Transportation fund	146,000
Federal funds	<u>1,314,000</u>
Total	1,460,000

Sec. B.905 Transportation - maintenance state system

Personal services	45,339,790
Operating expenses	57,902,709
Grants	<u>277,000</u>
Total	103,519,499
Source of funds	
Transportation fund	87,191,712
Federal funds	16,227,787
Interdepartmental transfers	<u>100,000</u>
Total	103,519,499

Sec. B.906 Transportation - policy and planning

Personal services	4,772,462
Operating expenses	951,911
Grants	<u>5,734,525</u>
Total	11,458,898
Source of funds	
Transportation fund	3,153,630
Federal funds	8,285,268
Interdepartmental transfers	<u>20,000</u>
Total	11,458,898

Sec. B.907 Transportation - rail

Personal services	5,366,807
Operating expenses	30,983,212
Grants	<u>30,000</u>
Total	36,380,019
Source of funds	
Transportation fund	13,897,283
Federal funds	19,232,299
Interdepartmental transfers	2,429,636
Local match	<u>820,801</u>
Total	36,380,019

Sec. B.908 Transportation - public transit

Personal services	2,264,103
Operating expenses	112,991
Grants	<u>40,444,428</u>
Total	42,821,522

Source of funds

Transportation fund	3,303,839
Federal funds	39,496,667
Interdepartmental transfers	<u>21,016</u>
Total	42,821,522

Sec. B.909 Transportation - central garage

Personal services	4,728,892
Operating expenses	<u>17,473,828</u>
Total	22,202,720

Source of funds

Internal service funds	<u>22,202,720</u>
Total	22,202,720

Sec. B.910 Department of motor vehicles

Personal services	25,010,265
Operating expenses	<u>10,963,723</u>
Total	35,973,988

Source of funds

Transportation fund	34,190,338
Federal funds	1,666,250
Interdepartmental transfers	<u>117,400</u>
Total	35,973,988

Sec. B.911 Transportation - town highway structures

Grants	<u>12,667,000</u>
Total	12,667,000

Source of funds

Transportation fund	<u>12,667,000</u>
Total	12,667,000

Sec. B.912 Transportation - town highway local technical assistance program

Personal services	368,939
Operating expenses	<u>42,750</u>
Total	411,689

Source of funds

Transportation fund	111,689
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Federal funds	<u>300,000</u>
Total	411,689
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	<u>15,297,500</u>
Total	15,297,500
Source of funds	
Transportation fund	<u>15,297,500</u>
Total	15,297,500
Sec. B.914 Transportation - town highway bridges	
Personal services	4,475,077
Operating expenses	10,533,896
Grants	<u>399,421</u>
Total	15,408,394
Source of funds	
Transportation fund	1,671,227
TIB fund	800,000
Federal funds	12,405,730
Local match	<u>531,437</u>
Total	15,408,394
Sec. B.915 Transportation - town highway aid program	
Grants	<u>27,105,769</u>
Total	27,105,769
Source of funds	
Transportation fund	<u>27,105,769</u>
Total	27,105,769
Sec. B.916 Transportation - town highway class 1 supplemental grants	
Grants	<u>128,750</u>
Total	128,750
Source of funds	
Transportation fund	<u>128,750</u>
Total	128,750
Sec. B.917 Transportation - town highway: state aid for nonfederal disasters	
Grants	<u>1,150,000</u>
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000

 Sec. B.918 Transportation - town highway: state aid for federal disasters

Grants	<u>180,000</u>
Total	180,000
Source of funds	
Transportation fund	20,000
Federal funds	<u>160,000</u>
Total	180,000

Sec. B.919 Transportation - municipal mitigation assistance program

Operating expenses	265,000
Grants	<u>5,845,000</u>
Total	6,110,000
Source of funds	
Transportation fund	705,000
Special funds	3,977,000
Federal funds	<u>1,428,000</u>
Total	6,110,000

Sec. B.920 Transportation - public assistance grant program

Operating expenses	200,000
Grants	<u>1,050,000</u>
Total	1,250,000
Source of funds	
Special funds	50,000
Federal funds	1,000,000
Interdepartmental transfers	<u>200,000</u>
Total	1,250,000

Sec. B.921 Transportation board

Personal services	157,878
Operating expenses	<u>28,733</u>
Total	186,611
Source of funds	
Transportation fund	<u>186,611</u>
Total	186,611

Sec. B.922 Total transportation

Source of funds	
Transportation fund	271,865,668
TIB fund	11,397,637
Special funds	4,027,000
Federal funds	361,546,034

Internal service funds	22,202,720
Interdepartmental transfers	2,888,052
Local match	<u>1,833,316</u>
Total	675,760,427
Sec. B.1000 Debt service	
Operating expenses	<u>84,541,007</u>
Total	84,541,007
Source of funds	
General fund	81,032,078
Transportation fund	521,606
ARRA funds	481,460
TIB debt service fund	<u>2,505,863</u>
Total	84,541,007
Sec. B.1001 Total debt service	
Source of funds	
General fund	81,032,078
Transportation fund	521,606
ARRA funds	481,460
TIB debt service fund	<u>2,505,863</u>
Total	84,541,007

Sec. B.1100 [DELETED]

Sec. B.1101 [DELETED]

Sec. B.1102 [DELETED]

Sec. B.1103 FISCAL YEAR 2022 ONE-TIME DOWNTOWN
TRANSPORTATION AND RELATED CAPITAL
IMPROVEMENT FUND APPROPRIATIONS

(a) In fiscal year 2022, funds are appropriated from the downtown transportation and capital improvement fund established by 24 V.S.A. § 2796 as follows:

(1) \$5,000,000 to the Department of Housing and Community Development to design, engineer, and construct eligible projects.

(2) Notwithstanding any other provisions of law, and for the purposes of implementing this one-time funding, the Department of Housing and Community Development is authorized to extend eligibility for the funding allocated in this section to municipalities as follows:

(A) Village centers designated by the Downtown Development Board pursuant to 24 V.S.A. chapter 76a, subchapter 2793a that have

participated in the Better Connections Program administered by the Vermont Agency of Transportation and the Department of Housing and Community Development.

(B) Village centers designated by the Downtown Development Board pursuant to 24 V.S.A. chapter 76a, subchapter 2793a within Chittenden County that have completed a comprehensive urban/community area planning process with public input, analogous to the Better Connections Program, in accordance with the program guidelines to be established by the Department.

(3) Municipalities in this section may include engineering and design costs in their budget proposals.

(4) This provision shall remain in effect until such time as the funds are fully expended.

Sec. B.1104 FISCAL YEAR 2022 ONE-TIME TRANSPORTATION
FUND APPROPRIATIONS

(a) Funds are appropriated from the Transportation Fund as follows:

(1) To the Agency of Transportation:

(A) \$6,925,000 for vehicle incentive and emission repair programs and electric vehicle supply equipment grants in fiscal years 2021 and 2022 combined;

(B) \$3,000,000 to be distributed to municipalities through the town highway structures and town highway class 2 roadway grant programs in fiscal year 2022; and

(C) \$400,000 to assist with the relocation of the New Haven Train Depot, as need is determined by the Agency of Transportation, in fiscal year 2022.

(2) If prior appropriations for the Incentive Program for New PEVs and MileageSmart are fully depleted prior to July 1, 2021, then the Agency may use a portion of the \$6,925,000 appropriated in subdivision (a)(1)(A) of this section in fiscal year 2021 to ensure that the programs are not halted due to lack of available funding in fiscal year 2021.

Sec. B.1105 [DELETED]

Sec. B.1106 FISCAL YEAR 2022 ONE-TIME GENERAL FUND
APPROPRIATIONS

(a) In fiscal year 2022, funds are appropriated from the General Fund for new and ongoing initiatives as follows:

(1) \$38,430,000 to the Agency of Administration for the following:

(A) \$11,580,000 for distribution to departments to fund the fiscal year 2022 53rd week of Medicaid.

(B) \$12,450,000 for distribution to departments to fund the fiscal year 2022 27th payroll pay period.

(C) \$14,400,000 for distribution to departments to fund the annual increase in the Vermont State Employee Retirement System (VSERS) Actuarially Determined Employer Contribution (ADEC).

(2) \$1,000,000 for the purchase of body cameras in the Department of Corrections.

(3) \$500,000 to the Vermont Department of Health to support polychlorinated biphenyls (PCB) testing in schools.

(4) \$32,500 to the Green Mountain Care Board for its share of cost associated with rate analysis unmerging the individual and small group market.

(5) \$63,121 to the Council on the Arts for matching federal funds available in the American Rescue Plan Act.

(6) \$200,000 to the Legislature to fund independent benefits experts, legal consulting, and actuarial assistance as necessary for the Task Force on pension reform.

(7) \$200,000 to the Department for Children and Families from the General Fund for the purpose of enabling Building Bright Futures to contract with an independent consulting entity for a childcare and early childhood education systems analysis study required by legislation enacted during the 2021 session.

(8) \$175,000 to the Legislature for the Office of Legislative Operations to contract for the analytical work needed for the Task Force on Affordable, Accessible Health Care established in Sec. E.126.2 of this act.

(9) \$25,000 to the Vermont Symphony Orchestra to offset revenues lost during the pandemic.

(10) \$180,000 to the Agency of Administration Office of Racial Equity for activities related to health disparities and health equity.

(11) \$200,000 to the Department of Human Resources for racial equity training support.

(12) \$126,000 to the Agency of Human Services Secretary's Office to maintain the 211-call center during fiscal year 2022.

(13) \$120,000 to the Department of Health for grants of \$40,000 to be made to each of the three AIDS service organizations to replace grant revenue diverted during the pandemic.

(14) \$25,000 to the Department for Children and Families for a grant to the Vermont Donor Milk Center for statewide activities.

(15) \$40,000 to the Vermont Center for Crime Victim Services to provide a grant for the Vermont Forensic Nursing Program. The funds shall be used to recruit, train, and credential nurses to provide forensic medical care for sexual assault patients within primary care, reproductive health, or campus health care settings in order to expand medical care for sexual assault patients beyond hospital emergency departments.

* * * Fiscal Year 2021 adjustments, appropriations and amendments * * *

Sec. C.100 FISCAL YEAR 2021 ONE-TIME GENERAL FUND
APPROPRIATIONS

(a) In fiscal year 2021, funds are appropriated from the General Fund as follows:

(1) To the Agency of Human Services, Global Commitment Program: \$2,000,000 for the State match for the 2020 Acts and Resolves No. 155 Nurse Scholarship Program and University of Vermont College of Medicine, Medical Student Incentive Scholarship Program, as amended in Sec. E. 311.3 of this act. Of these general funds, \$1,000,000 is for expenditure in fiscal year 2022, and \$1,000,000 is for expenditure in fiscal year 2023.

(2) To the Commission on Women: \$8,500 for information technology support.

(3) To the Agency of Commerce and Community Development: \$25,000 for the administration of Vermont 250th anniversary celebration.

(4) To the Vermont Housing Conservation Board: \$50,000 for the Farm Viability Program to provide technical assistance to farmers applying for economic recovery grants from the State.

Sec. C.101 PENSION AND OTHER POST EMPLOYMENT BENEFIT
OBLIGATIONS; LONG-TERM PLAN

(a) In fiscal year 2021, the amount of \$150,000,000 in General Fund monies is hereby reserved to be part of pension funding initiatives and prefunding of other postemployment benefits (OPEB).

(b) On or before June 30, 2022, the General Assembly and the Administration, in collaboration with the Treasurer and interested parties, shall develop a long-term plan to address pension and OPEB liabilities. The

funds reserved in subsection (a) of this section shall be made available for appropriation to accompany the reforms that are part of this long-term legislative initiative to make Vermont pension and OPEB plans more sustainable.

Sec. C.102 FISCAL YEAR 2021: GLOBAL COMMITMENT PROGRAM
GENERAL FUND REVERSION

(a) In fiscal year 2021, the amount of \$42,516,329 shall be reverted to the General Fund from the general funds appropriated in Sec. B.301 of 2020 Acts and Resolves No. 154, as amended by 2021 Acts and Resolves No. 3.

(b) The Secretary of Human Services shall report to the Joint Fiscal Committee in July or September 2021 on the status and impact of the reversion required by subsection (a) of this section and any carryforward balance of unobligated General Fund appropriations from fiscal year 2021 to fiscal year 2022. To the extent possible, this report shall also provide updates related to the reversion specified in Sec. D.104 of this act for fiscal year 2022 and any carryforward related to home and community-based services as specified in Sec. E.301.3 of this act.

Sec. C.103 REVERSION FROM THE NATIONAL GUARD TUITION
BENEFIT PROGRAM

(a) In fiscal year 2021, the amount of \$400,000 shall revert to the General Fund from the Military Administration appropriation for the National Guard Tuition Benefit Program.

Sec. C.104 2020 Acts and Resolves No. 154, Sec. E.215 is amended to read:

Sec. E.215 Military – Administration

(a) The amount of \$553,906 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard educational assistance program established in 16 V.S.A. § 2856 and the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

(b) Subsection (a) of this section supersedes the disbursement referenced in 2020 Acts and Resolves No. 120, Sec. A.23.

Sec. C.105 2020 Acts and Resolves No. 154, Sec. B.505 is amended to read:

Sec. B.505 Education - adjusted education payment

	<u>FY 2021</u>	
	<u>As Passed</u>	<u>Change</u>
Grants	1,489,500,000	1,480,800,000
Total	1,489,500,000	1,480,800,000

Source of funds		
Education fund	1,489,500,000	1,480,800,000
Total	1,489,500,000	1,480,800,000

Sec. C.106 [DELETED]

Sec. C.107 UTILITY RATEPAYER ARREARAGES; DEPARTMENT OF PUBLIC SERVICE

(a) The sum of \$15,000,000 from the Coronavirus Relief Fund is appropriated to the Department of Public Service for the purpose of establishing a program to simultaneously minimize financial hardship caused by the COVID-19 public health emergency and mitigate utility rate increases ultimately shared by all utility customers. As used in this section, “utility” means a utility affected by the Public Utility Commission’s moratorium on utility disconnections related to COVID-19.

(b) The Commissioner of Public Service shall set the process, limitations, and means to distribute funds for debt relief for the accounts of utility customers not otherwise eligible or able to access utility assistance or those who, though eligible, are not made whole for such debt through the American Rescue Plan of 2021 or the Consolidated Appropriations Act, 2021, and shall coordinate funding under this section as needed with State agencies charged with distributing such funding. In designing the program, the Commissioner shall establish standards and procedures to prioritize the neediest utility customers for financial assistance under the program.

(c) In administering the program, the Commissioner may coordinate with the Public Utilities Commission, enter into cooperative agreements with utilities to apply funding directly to customer accounts, and contract with any third-party administrator as needed. The Department’s administrative costs associated with the program shall be paid from the amount appropriated under subsection (a) of this section.

(d) Customer information submitted pursuant to this program shall be exempt from disclosure under the Vermont Public Records Act; such data may be disclosed only on an anonymized and aggregated basis.

(e) To the extent consistent with guidance and law, any excess funding under the program not obligated for the purposes set forth in this section by November 1, 2021 shall be reallocated to energy and fuel assistance programs administered by the Department for Children and Families.

Sec. C.108 LEGISLATIVE PREPARATION FOR 2022 SESSION

(a) The sum of \$2,500,000 from the Coronavirus Relief Fund is appropriated to the Legislature for costs incurred due to the response to the

Coronavirus pandemic and to fund preparations for the 2022 legislative session consistent with Joint Legislative Management Committee recommendations. Funds may be transferred to appropriate units within the General Assembly as necessary to reimburse eligible expenditures. Any transfers shall be reviewed and approved through traditional transfer approval processes by the Secretary of Administration and shall be reported by the Joint Fiscal Office to the Joint Legislative Management Committee and the Commissioner of Finance and Management.

Sec. C.109 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121 and 2021 Acts and Resolves No. 3, Sec. 50, is further amended to read:

Sec. 7. AGENCY OF HUMAN SERVICES; HEALTH CARE
PROVIDER STABILIZATION GRANT PROGRAM

* * *

(d) Specific allocations. Notwithstanding any provisions of this section to the contrary, of the funds appropriated in subsection (a) of this section, the Agency of Human Services shall make the following allocations for the following purposes:

* * *

(3) Up to \$3,000,000.00 for COVID-19-related expenses or revenue losses incurred by designated and specialized service agencies through December 30, 2020 June 30, 2021.

* * *

Sec. C.110 REPEAL (FISCAL YEAR 2021 YEAR-END CLOSEOUT
TRANSFERS)

(a) 2020 Acts and Resolves No. 154, Sec. B.1123.1 as amended in 2021 Acts and Resolves No. 9, Sec. 30 is repealed.

Sec. C.111 FISCAL YEAR 2021 YEAR-END CLOSEOUT;
APPROPRIATION AND RESERVE

(a) Notwithstanding 32 V.S.A. § 308c(a), after satisfying the requirements of 32 V.S.A. § 308, and after other reserve requirements have been met:

(1) First, up to \$10,000,000 of any remaining unreserved and undesignated fiscal year 2021 General Fund surplus shall be appropriated to the Vermont Housing Conservation Board and may be used for conservation projects and Farm and Forest Viability Program activities that support the rural economy. Up to \$100,000 shall be used to expand the Rural Economic Development Initiative (REDI).

(2) Second, up to \$75,000,000 shall be reserved in the General Fund for appropriation in the 2022 legislative session;

(3) Any remaining amounts shall be allocated in accordance with 32 V.S.A. § 308c.

Sec. C.112 2021 Acts and Resolves No. 9, Sec. 16 is amended to read as follows:

Sec. 16 EDUCATION SERVICES; FEDERAL FUNDS APPROPRIATIONS

(a) Afterschool and Summer Programs: In fiscal year 2021 and to be carried forward, the sum of \$4,000,000.00 is appropriated from federal funds for Elementary and Secondary Emergency School Relief (ESSR) (ESSER) provided in the American Rescue Plan Act of 2021 Section 2001(f) to the Agency of Education to be used for grants to afterschool and summer programs.

* * *

* * * Fiscal Year 2022 Fund Transfers and Reserve Allocations * * *

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$518,000 is appropriated from the Current Use Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$518,000 from the property transfer tax that are deposited into the Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$10,804,840 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 above \$10,804,840 from the property transfer tax and surcharge established by 32 V.S.A. § 9602a that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(A) The dedication of \$2,500,000 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the affordable housing bond 10 V.S.A. § 314) is to be offset by the reduction of \$1,500,000 in the appropriation to the VHCB and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2022

appropriation of \$10,804,840 to VHCB reflects the \$1,500,000 reduction. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, the \$1,500,000 reduction in the appropriation to VHCB is intended to be restored.

(3) The sum of \$3,760,599 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,760,599 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,760,599 shall be allocated as follows:

(A) \$2,924,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$457,482 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b); and

(C) \$378,700 to the Agency of Digital Services for the Vermont Center for Geographic Information.

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

(1) From the General Fund to the Environmental Contingency Fund established by 10 V.S.A. § 1283: \$9,500,000.

(2) From the General Fund to the Human Rights Commission Fund (21692): \$300,000.

(3) From the General Fund to the Forest Parks Revolving Fund (21270): \$2,050,000.

(4) From the General Fund to the Act 250 Permit Fund (21260): \$1,000,000.

(5) From the General Fund to the Fire Prevention Special Fund (21901): \$500,000.

(6) From the Clean Water Fund (21932) established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund (21933) created under 6 V.S.A. § 4803: \$4,521,393

(7) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Lake in Crisis Response Program Special Fund (21938) created under 10 V.S.A. § 1315: \$50,000.

(8) From the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund (21575) established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$4,023,966.

(9) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund established by 32 V.S.A. § 951a for funding fiscal year 2023 transportation infrastructure bonds debt service: \$2,502,363.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2022:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>\$4,641,961.14</u>
<u>50300</u>	<u>Liquor Control Fund</u>	<u>\$22,750,000.00</u>
	<u>Caledonia Fair</u>	<u>\$5,000.00</u>
	<u>North Country Hospital Loan</u>	<u>\$24,047.00</u>

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

<u>21638</u>	<u>AG-Fees & reimbursement – Court order</u>	<u>\$2,000,000.00</u>
<u>21928</u>	<u>Secretary of State Services Funds</u>	<u>\$2,467,898.00</u>
<u>62100</u>	<u>Unclaimed Property Fund</u>	<u>\$1,797,750.00</u>

(3) Notwithstanding 2016 Acts and Resolves No. 172, Sec. E. 228, \$37,078,618 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (21075), the Captive Insurance Regulatory and Supervision Fund (21085), and the Securities Regulatory and Supervision Fund (21080) shall be transferred to the General Fund.

(c) Notwithstanding any provisions of law to the contrary, in fiscal year 2022 the following estimated General Fund reserves shall be made:

(1) Pursuant to 32 V.S.A. § 308, an estimated amount of \$6,259,724 shall be reserved in the General Fund Budget Stabilization Reserve.

(d) Notwithstanding any provisions of law to the contrary, in fiscal year 2022:

(1) The following amounts shall revert to the General Fund from the Accounts indicated:

<u>2150010000</u>	<u>Military – administration</u>	<u>\$200,000.00</u>
<u>1210002000</u>	<u>Legislature</u>	<u>\$140,000.00</u>
<u>1215001000</u>	<u>Legislative Counsel</u>	<u>\$50,000.00</u>
<u>1220000000</u>	<u>Joint Fiscal Office</u>	<u>\$50,000.00</u>
<u>1225001000</u>	<u>Legislative IT</u>	<u>\$120,000.00</u>
<u>1230001000</u>	<u>Sergeant at Arms</u>	<u>\$60,000.00</u>

Sec. D.102 27/53 RESERVE; TRANSFER AND USE

(a) \$3,740,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year 2022. This action is the fiscal year 2022 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. § 308e and the 27th payroll reserve as required by 32 V.S.A. § 308e(b).

(b) \$24,030,000 shall be unreserved from the 27/53 Reserve in in fiscal year 2022 to provide for the appropriations described in Secs. B.1106(a)(1)(A) and B.1106(a)(1)(B) of this act.

Sec. D.103 [DELETED]

Sec. D.104 FISCAL YEAR 2022; GLOBAL COMMITMENT PROGRAM
GENERAL FUND REVERSION

(a) In fiscal year 2022, the amount of \$66,000,000 shall be reverted to the General Fund from the general funds appropriated in Sec. B. 301 of this act for the Global Commitment Program.

Sec. D.105 FISCAL YEAR 2022; GENERAL FUND TEMPORARY
RESERVE

(a) In fiscal year 2022, \$28,000,000 of General Fund is reserved for legislative allocation to existing General Fund reserves or appropriation for budget adjustment, including offsets that may be required due to federal relief fund guidance.

* * * General Government * * *

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following new positions is authorized in fiscal year 2022 and shall be transferred and converted from existing vacant

positions in the Executive Branch and shall not increase the total number of authorized State positions, as defined in Sec. A.107 of this act that pertains to subdivisions (1) and (2) of this subsection:

(1) Permanent classified positions:

(A) Department of Public Safety – one (1) Paralegal to assist with public records requests.

(B) Agency of Administration – one (1) policy and research analyst and one (1) outreach and education coordinator.

(C) Secretary of State – one (1) State Elections Assistant Director.

(D) Criminal Justice Council – one (1) Professional Regulatory Investigator.

(2) Permanent exempt position:

(A) Criminal Justice Council – one (1) Staff Attorney.

(3) The conversion of one limited service position to classified permanent status is authorized in fiscal year 2022 as follows:

(A) The Secretary of State – one (1) Administrative Services Director.

(4) Five-year limited service classified positions are authorized in fiscal year 2022:

(A) Department of Environmental Conservation – one (1) environmental analyst.

(B) Department of Health – one (1) senior Environmental Health Risk Assessor.

Sec. E.100.1 2014 Acts and Resolves No. 179, Sec. E100(d); as amended by 2015 Acts and Resolves No. 4, Sec. 74; 2016 Acts and Resolves No. 172, Sec. E.100.2; 2017 Acts and Resolves No. 85, Sec. E.100.1; 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.100.1; 2020 Acts and Resolves No. 120; and by 2020 Act and Resolves No. 154, Sec. A.7; is further amended to read:

(d) Position Pilot Program. A Position Pilot is hereby created to assist participating departments in more effectively managing costs of overtime, compensatory time, temporary employees, and contractual work by removing the position cap with the goal of maximizing resources to the greatest benefit of Vermont taxpayers.

* * *

(7) This Pilot shall sunset on ~~July 1, 2021~~ July 1, 2023, unless extended or modified by the General Assembly.

Sec. E.103 12 V.S.A. 5601(f) is amended to read:

(f) The limitations in subsection (e) of this section do not apply to claims against the State of Vermont to the extent that there exists coverage under a policy of liability insurance purchased by the ~~Commissioner of Buildings and General Services~~ Secretary of Administration.

Sec. E.103.1 12 V.S.A. 5603 is amended to read:

§ 5603 SETTLEMENT OF CLAIMS

(a) The Attorney General may consider, adjust, determine, and settle any claim for damages against the State of Vermont resulting from the acts or omissions of an employee as provided under 3 V.S.A. § 159. If the State elects to self-insure the liability as defined in 12 V.S.A. § 5601, the Attorney General shall consult with the ~~Commissioner of Buildings and General Services~~ Secretary of Administration prior to exercising his or her authority under this subsection.

* * *

(d) The duties described at 29 V.S.A. 152(a)(5) as the Department of Buildings and General Services shall become the duties of the Secretary of Administration.

Sec. E.103.2 REPEAL

29 V.S.A. § 152(a)(5) is repealed.

Sec. E.103.3 3 V.S.A. § 2222 is amended to read:

§ 2222. POWERS AND DUTIES; BUDGET AND REPORT

(a) In addition to the duties expressly set forth elsewhere by law, the Secretary shall:

* * *

(11) Inspect, appraise, and maintain a current appraisal schedule of all State-owned buildings, appendages, and appurtenances thereto based upon replacement value in the first instance and upon depreciated value in the second instance. Appraisals shall be furnished upon request to the Commissioner of Buildings and General Services, departments and agencies concerned, and appropriate committees of the General Assembly.

* * *

Sec. E.105 3 V.S.A. § 3303 is amended to read:

§ 3303 REPORTING, RECORDS, AND REVIEW REQUIREMENTS

* * *

(c) Strategic plan. The Secretary shall prepare and submit a strategic plan for information technology and cybersecurity, concurrent with the Governor's annual budget request required under 32 V.S.A. § 306. The strategic plan shall include:

* * *

Sec. E.111 Tax – administration/collection

(a) Of the appropriation in Sec. B.111 of this act, \$15,000 is from the Current Use Administration Special Fund established by 32 V.S.A. § 9610(c) and shall be appropriated for programming changes to the CAPTAP software used by municipalities for establishing property values and administering their grand lists.

Sec. E.112 STATE ENERGY MANAGEMENT PROGRAM

(a) The Buildings and General Services State Energy Management Program may charge for technical assistance it provides to municipalities at an amount equal to time and cost.

Sec. E.125 LEGISLATIVE COUNSEL POSITIONS

(a) One permanent exempt position, Paralegal, is authorized for establishment in fiscal year 2022.

(b) One exempt limited service position, Legislative Counsel, is authorized for establishment in fiscal year 2022.

Sec. E.126 TRANSFER OF FUNDS WITHIN LEGISLATIVE BRANCH

(a) Notwithstanding 32 V.S.A. § 706, in fiscal year 2022, appropriations within the Legislative Branch may be transferred between respective offices to ensure a balanced close-out in the fiscal year.

Sec. E.126.1 LEGISLATIVE INFORMATION TECHNOLOGY POSITION

(a) One permanent exempt position, Web Developer, is authorized for establishment in fiscal year 2022.

Sec. E.126.2 TASK FORCE ON AFFORDABLE, ACCESSIBLE HEALTH CARE; REPORT

(a) Creation. There is created the Task Force on Affordable, Accessible Health Care to explore opportunities to make health care more affordable for Vermont residents and employers.

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

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

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

(c) Powers and duties. The Task Force shall explore opportunities to make health care, including prescription drugs, more affordable for Vermont residents and employers, including identifying potential opportunities to leverage federal flexibility and financing and to expand existing public health care programs. The Task Force shall consider the following, keeping in mind the principles for health care reform enacted in 2020 Acts and Resolves No. 48 and codified at 18 V.S.A. § 9371:

(1) the long-term trends in out-of-pocket costs in Vermont in individual and small group health insurance plans and in large group health insurance plans;

(2) how Vermont's current health care system is impacting Vermont residents and businesses and their access to affordable health care;

(3) the extent to which Vermont's uninsured rate may have increased during the COVID-19 pandemic and the specific causes of any such increase;

(4) opportunities to decrease health care disparities, especially those highlighted by the COVID-19 pandemic and those attributable to a lack of access to affordable health care services;

(5) the findings and recommendations from previous studies and analyses relating to the affordability of health care coverage in Vermont; and

(6) opportunities made available by the Biden Administration to expand access to affordable health care through existing public health care programs or through the creation of new or expanded public option programs, including the potential for expanding Medicare to cover individuals between 50 and 64 years of age and for expanding Vermont's Dr. Dynasaur program to cover individuals up to 26 years of age to align with the young adult coverage under the Affordable Care Act.

(d) Public engagement. In order to gain a fuller understanding of the impact of health care affordability issues on Vermont residents, the Task Force shall:

(1) Solicit input from a wide range of stakeholders, including health

care providers; health care administrators; Vermonters who lack health insurance or who have inadequate health coverage; employers; labor unions; members of the New American and Black, Indigenous, and Persons of Color communities; Vermonters with low income; and older Vermonters.

(2) Beginning on or before September 15, 2021, hold public hearings to hear from Vermont residents from around the State. Public hearings may be held in person or by remote means. A summary of the findings from these field hearings shall be included as an appendix to the Task Force report.

(e) Assistance. To the extent that applicable funds are appropriated in Sec. B.1106 of this act, the Task Force, through the Office of Legislative Operations, shall hire a consultant to provide technical and research assistance, deliver actuarial analyses as needed, and support the work of the Task Force. In addition, the Task Force shall have the administrative, technical, and legal assistance of the Office of Legislative Operations, the Office of Legislative Counsel, and the Joint Fiscal Office.

(f) Report. On or before January 15, 2022, the Task Force shall present to the General Assembly its findings and recommendations regarding the most cost-effective ways to expand access to affordable health care for Vermonters without health insurance and those facing high health care costs and the various options available to implement these recommendations.

(g) Meetings.

(1) The first meeting of the Task Force shall occur on or before August 15, 2021.

(2) The Task Force shall select House and Senate co-chairs from among its members at its first meeting. The Co-Chairs shall alternate acting as Chair at Task Force meetings.

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

(4) The Task Force shall cease to exist on January 15, 2022.

(h) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, the members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings. These payments shall be made from monies appropriated to the General Assembly.

Sec. E.127 JOINT FISCAL OFFICE POSITION

(a) One permanent exempt position, Fiscal Analyst, is authorized for establishment in fiscal year 2022.

Sec. E.127.1 INFORMATION TECHNOLOGY REVIEW

(a) The Executive Branch shall transfer, upon request, one vacant position for use in the Legislative Joint Fiscal Office (JFO) for a staff position, or the JFO may hire a consultant, to provide support to the General Assembly to conduct independent reviews of State information technology projects and operations.

(b) The Secretary of Administration and the Chief Information Officer shall:

(1) provide to the JFO access to the reviews conducted by Independent Verification and Validation (IVV) firms hired to evaluate the State's current and planned information technology project, as requested;

(2) ensure that IVV firms' contracts allow the JFO to make requests for information related to the projects that it is reviewing and that such requests are provided to the JFO in a confidential manner; and

(3) provide to the JFO access to all other documentation related to current and planned information technology projects and operations, as requested.

(c) The JFO shall maintain a memorandum of understanding with the Executive Branch relating to any documentation provided under subsection (b) of this section that shall protect security and confidentiality.

(d) To fund this work for fiscal year 2022 and fiscal year 2023, notwithstanding 32 V.S.A. § 706, at the close of fiscal year 2021, \$250,000.00 in carryforward from the legislative budget shall be transferred to the JFO.

Sec. E.128 SERGEANT AT ARMS – CAPITOL POLICE OFFICER
POSITION

(a) One permanent exempt position, Capitol Police Officer, is authorized for establishment in fiscal year 2022.

Sec. E.130 32 V.S.A. § 168 is amended to read:

§ 168. SINGLE AUDIT REVOLVING FUND

(a)(1) The Single Audit Revolving Fund is established within the State Treasury, to be administered by the Auditor of Accounts, from which payments may be made for the costs of audits performed pursuant to subdivisions 163(1) and, 163(2), and 5404a(1) of this subchapter title and 24 V.S.A. § 290b.

(2) All monies received from charges made for audit services under the provisions of subsection (b) of this section and sums that may be appropriated to the Fund shall be deposited in the Fund.

(3) Any balance remaining in the Fund at the end of any fiscal year shall be carried forward and remain a part of the Fund.

(b)(1) The Auditor of Accounts shall charge the State department, agency, commission, instrumentality, political subdivision, or State-created authority audited for the direct and indirect costs of an audit performed pursuant to subdivisions 163(1) and, 163(2), and 5404a(1) of this ~~subchapter~~ title and 24 V.S.A. § 290b.

(2) Costs shall be determined by the Auditor of Accounts and costs associated with subdivisions 163(1) and (2) of this ~~subchapter~~ title shall be approved by the Secretary of Administration.

Sec. E.130.1 32 V.S.A. § 5404a is amended to read:

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

* * *

(1) The State Auditor of Accounts shall conduct performance audits of all tax increment financing districts ~~according to a schedule, which will be arrived at in consultation with the Vermont Economic Progress Council.~~ The cost of conducting each audit shall be considered a “related cost” as defined in 24 V.S.A. § 1891(6) and shall be billed back to the municipality pursuant to subsection 168(b) of this title. Audits conducted pursuant to this subsection shall include a review of a municipality’s adherence to relevant statutes and rules adopted by the Vermont Economic Progress Council pursuant to subsection (j) of this section, an assessment of record keeping related to revenues and expenditures, and a validation of the portion of the tax increment retained by the municipality and used for debt repayment and the portion directed to the Education Fund.

* * *

Sec. E.133 VERMONT STATE RETIREMENT SYSTEM

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2022, investment fees shall be paid from the corpus of the Fund.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation in Sec. B.139 of this act, \$9,000 shall be transferred to the Attorney General and \$70,000 shall be transferred to the Department of Taxes, Division of Property Valuation and Review and

reserved and used with any remaining funds from the amount previously transferred for final payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. and its successor Great River Hydro, LLC in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. E.142 PAYMENTS IN LIEU OF TAXES

(a) This appropriation is for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act. Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.143 PAYMENTS IN LIEU OF TAXES – MONTPELIER

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.144 PAYMENTS IN LIEU OF TAXES – CORRECTIONAL FACILITIES

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

* * * Protection to Persons and Property * * *

Sec. E.200 ATTORNEY GENERAL

(a) Notwithstanding any other provisions of law, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the State share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the State share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$1,390,500 is appropriated in Sec. B.200 of this act.

Sec. E.207 JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE; TRANSPORTS; STUDY; REPORT

(a) The Joint Legislative Justice Oversight Committee shall examine the current system for transporting prisoners and persons with a mental condition or psychiatric disability who are in the custody of the State, including

transports provided by deputy sheriffs who are paid by the State pursuant to 24 V.S.A. § 290(b) and transports provided pursuant to contracts that certain State agencies have entered into with county sheriff's departments. The Committee may recommend changes to the existing system and shall identify any benefits and adverse consequences related to those recommended changes.

(b) On or before November 15, 2021, the Committee shall submit a report to the House and Senate Committees on Appropriations, on Government Operations, and on Judiciary regarding its findings and any recommendations for legislative action.

(c) In conducting its review pursuant to this section, the Committee shall review audits prepared by the Auditor of Accounts regarding the use of deputies who are paid by the State pursuant to 24 V.S.A. § 290(b) during the state of emergency declared pursuant to Executive Order 01-20, as amended, and the Inmate Transportation Study Report prepared pursuant to 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.207.

Sec. E.208 PUBLIC SAFETY – ADMINISTRATION

(a) The Commissioner of Public Safety is authorized to enter into a performance-based contract with the Essex County Sheriff's Department to provide law enforcement service activities agreed upon by both the Commissioner of Public Safety and the Sheriff.

Sec. E.209 PUBLIC SAFETY – STATE POLICE

(a) Of the appropriation in Sec. B.209 of this act, \$35,000 in special funds shall be available for snowmobile law enforcement activities and \$35,000 in general funds shall be available to the Southern Vermont Wilderness Search and Rescue Team, which comprises State Police, the Department of Fish and Wildlife, county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) Of the appropriation in Sec. B.209 of this act, \$405,000 is allocated for grants in support of the Drug Task Force. Of this amount, \$190,000 shall be used by the Vermont Drug Task Force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the Commissioner to fund the work of the Drug Task Force or carried forward.

Sec. E.212 PUBLIC SAFETY – FIRE SAFETY

(a) Of this General Fund appropriation in Sec. B.212 of this act, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force for the purpose of designing dry hydrants.

Sec. E.215 MILITARY – ADMINISTRATION

(a) The amount of \$1,119,834 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

Sec. E.219 MILITARY – VETERANS’ AFFAIRS

(a) Of this appropriation in Sec. B.219 of this act, \$1,000 shall be used for continuation of the Vermont Medal Program; \$4,800 shall be used for the expenses of the Governor’s Veterans’ Advisory Council; \$7,500 shall be used for the Veterans’ Day parade; \$5,000 shall be used for the Military, Family, and Community Network; and \$10,000 shall be granted to the American Legion for the Boys’ State and Girls’ State programs.

Sec. E.220 CENTER FOR CRIME VICTIMS SERVICES

(a) Notwithstanding 20 V.S.A. § 2365(c), the Vermont Center for Crime Victims Services shall transfer \$52,624 from the Domestic and Sexual Violence Special Fund established in 13 V.S.A. § 5360 to the Criminal Justice Training Council for the purpose of funding one-half the costs of the Domestic Violence Trainer position. The other half of the position will be funded with an appropriation to the Criminal Justice Training Council.

Sec. E.220.1 STUDY COMMITTEE ON PROGRAM FUNDING
RELATED TO CRIMINAL JUSTICE FINES, FEES,
PENALTIES AND SURCHARGES

(a) There is created a Study Committee on the funding of State programs that are reliant on criminal justice fines, fees, penalties and surcharges to provide services and accomplish their respective statutory missions. The purpose of the Committee is to address an anticipated decrease in available revenue for these various programs and to develop a financial plan of action that will ensure that these programs will be able to provide these services.

(b) The Committee shall be composed of:

(1) one Representative from each of the House Committees on Appropriations, on Judiciary, and on Ways and Means appointed by the Speaker of the House.

(2) one Senator from each of the Senate Committees on Appropriations, on Judiciary, and on Finance appointed by the Committee on Committees.

(3) the Chief Justice of the Supreme Court or his designee.

(4) one representative from the Agency of Administration, appointed by the Secretary of Administration.

(5) the Executive Director of the Vermont Center for Crime Victims Services (CCVS).

(6) the Executive Director of the Vermont Network Against Domestic and Sexual Violence;

(7) the Attorney General or designee;

(8) the Commissioner of Public Safety or designee;

(9) the Commissioner for Children and Families or designee; and

(10) the Executive Director of the Department of State's Attorneys and Sheriffs or designee.

(c) the Chief Justice of the Supreme Court or designee shall call the first meeting of the Committee on or before July 15, 2021. The members of the Committee shall elect a Chair, who shall convene meetings and set meeting agendas.

(d) Powers and Duties of the Committee. The Committee shall:

(1) review and inventory the programs funded by criminal justice fines, fees, penalties and surcharges as well any other funding source that are consistently or on an ad hoc basis provided to these programs;

(2) analyze the factors that affect the revenue generated the various criminal justice fines, fees, penalties and surcharges including past and current trends;

(3) identify strategies that the State can engage in that will provide a sustainable funding source for these programs into the future; and

(4) specifically in regard to the programs of the CCVS, the committee shall analyze victim service programs mandated by State statute and funded with state special funds, including what services are provided, who provides the services, where services are provided, and when services are provided and consider the viability of phasing out the use of special funds for victim services over a five-year period and replacing special funds with other funding sources, including the General Fund.

(e) For purposes of its study of these issues, the Committee shall have the

assistance of the Department of Finance and Management, the CCVS, and the Joint Fiscal Office.

(f) On or before November 15, 2021, the Committee shall report to the House Committees on Appropriations, on Judiciary, and on Ways and Means and Senate Committees on Appropriations, on Judiciary, and on Finance on its findings and any legislative or administrative recommendations.

(g) The Committee shall meet not more than six times and shall cease to exist upon filing its report. For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to compensation and reimbursement for expenses under 2 V.S.A. § 23.

Sec. E.222 2019 Acts and Resolves No. 83, Sec. 3, as amended by 2020 Acts and Resolves No. 129, Sec. 24 is further amended to read:

Sec. 3. PAYMENT FOR ECOSYSTEM SERVICES AND SOIL HEALTH WORKING GROUP

* * *

(4) The Working Group shall cease to exist on February 1, ~~2022~~ 2023.

(d) On or before January 15, ~~2022~~ 2023, the Secretary of Agriculture, Food and Markets shall submit to the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry a report that shall include:

* * *

Sec. E.224 AGRICULTURE, FOOD AND MARKETS – AGRICULTURAL DEVELOPMENT

(a) Of the funds appropriated in Sec. B.224 of this act, the amount of \$594,000 in general funds is appropriated for expenditure by the Working Lands Enterprise Board established in 6 V.S.A. § 4606 for investments in food and forest system businesses and services providers pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5, as amended by 2014 Acts and Resolves No. 179, Sec. E.224.1.

Sec.E.227 DEPARTMENT OF FINANCIAL REGULATION; ESSENTIAL HEALTH BENEFITS; BENCHMARK PLAN REVIEW

(a) The Department of Financial Regulation, in consultation with the Department of Vermont Health Access; the Director of Health Care Reform in the Agency of Human Services; the Green Mountain Care Board; representatives of health care consumers, health care providers, and health insurers; and other interested stakeholders, shall review Vermont's benchmark plan establishing the State's essential health benefits to determine whether to

recommend requesting approval from the Centers for Medicare and Medicaid Services to modify the benchmark plan. As part of its review, the Department shall determine the potential impacts of modifying the benchmark plan to include coverage of each of the following:

- (1) hearing aids;
- (2) dentures;
- (3) vision care;
- (4) durable medical equipment;
- (5) fertility services; and
- (6) at least two primary care visits per year with no cost-sharing requirement.

(b) On or before January 15, 2022, the Department of Financial Regulation shall provide the results of its benchmark plan review, including the impacts of adding coverage for each of the items listed in subdivisions (a)(1)–(5) of this section, and any recommendations for modifications to Vermont’s benchmark plan, to the House Committees on Health Care and on Human Services and the Senate Committees on Health and Welfare and on Finance.

Sec. E.227.1 18 V.S.A. § 9473 is amended to read:

§ 9473. PHARMACY BENEFIT MANAGERS; REQUIRED PRACTICES
WITH RESPECT TO PHARMACIES

* * *

(d) A pharmacy benefit manager shall not:

(1) require a claim for a drug to include a modifier 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. E.227.2 REPEAL

18 V.S.A. § 9473(d) (pharmacy benefit managers; 340B entities) is repealed on January 1, 2023.

Sec. E.227.3 DEPARTMENT OF FINANCIAL REGULATION; 340B
DRUG PRICING PROGRAM; REPORT

On or before January 15, 2022, the Department of Financial Regulation, in consultation with the Office of the Attorney General, shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance regarding national activity affecting participation in the 340B Drug Pricing Program, including:

(1) recent changes to the manner in which prescription drug manufacturers pay rebates to pharmacy benefit managers for prescriptions filled through 340B pharmacies;

(2) the potential impacts of these changes on Vermont stakeholders, including individual Vermonters; and

(3) possible State responses to prescription drug manufacturer and pharmacy benefit manager actions related to participation in the 340B Drug Pricing Program.

Sec. E.234 10 V.S.A. § 581 is amended to read:

§ 581. BUILDING EFFICIENCY GOALS

It shall be goals of the State:

(1) To improve substantially the energy fitness of at least 20 percent of the State's housing stock by 2017 (more than 60,000 housing units), and 25 percent of the State's housing stock by 2020 (approximately 80,000 housing units) 120,000 housing units and reduce greenhouse gas emissions by 0.15 MMTCO₂e by 2031.

* * *

(4) To save Vermont families and businesses a total of \$1.5 billion on their fuel bills over the lifetimes of the improvements and measures installed between 2008 and 2017.

(5) To increase weatherization services to low-income Vermonters by expanding the number of units weatherized or the scope of services provided, or both, as revenue becomes available in the Home Weatherization Assistance Fund.

Sec. E.234.1 33 V.S.A. § 2502 is amended to read:

§ 2502. HOME WEATHERIZATION ASSISTANCE PROGRAM

(a) The Director of the State Office of Economic Opportunity shall administer the Home Weatherization Assistance Program under such rules,

regulations, funding, and funding requirements as may be imposed by federal law.

(b) In addition, the Director shall supplement, or supplant, any federal program with the State Home Weatherization Assistance Program.

* * *

(3) The Director, in collaboration with the weatherization service providers and other stakeholders, shall develop the State program so that it will include:

* * *

(D) Eliminating the lien requirements on weatherized rental properties, so long as the landlord executes a rent stabilization agreement which has a term of at least one year.

(E) Generally, allowing flexibility to accommodate special circumstances in which greater energy savings can be realized or health and safety problems may be alleviated.

(F) Increasing the number of low-income homes weatherized each year, or the scope of services provided, or both, to reflect increased revenues in the Home Weatherization Assistance Fund.

(G) With respect to multi-family buildings housing recipients of home heating fuel assistance under chapter 26 of this title, targeted outreach efforts to ensure the highest weatherization participation rates by owners of such buildings.

(H) Working to achieve the State's energy savings and carbon emissions reduction goals, including those in 10 V.S.A. § 581.

* * *

Sec. E.234.2 PUBLIC UTILITY COMMISSION PROCEEDING

(a) On or before December 17, 2021, the Public Utility Commission shall report to the General Assembly on its recommendations concerning the implementation of a volumetric thermal energy efficiency charge to provide supplemental funding for thermal energy efficiency programs including those implemented pursuant to 30 V.S.A. § 209(e) and (g). The report shall include the following:

(1) criteria for establishing the amount of the thermal energy efficiency charge, including the size of annual thermal energy efficiency program budgets and accounting for existing or new sources of funding for those programs over time;

(2) whether the supplemental funding provided by the thermal energy efficiency charge should be directed to an entity other than an entity appointed by the Commission pursuant to 30 V.S.A. § 209(d)(2)(B) to provide efficiency programs and services to thermal energy customers;

(3) how to incentivize the installation of clean energy heating systems and phase out the use of heating systems with high amounts of emissions; and

(4) any statutory amendments necessary to implement its recommendations.

Sec. E.234.3 DEVELOPMENT OF WEATHERIZATION WORKFORCE
AND COUNSELING SERVICES; REPORTS

(a) Weatherization Workforce Report.

(1) On or before June 15, 2021, the Chairs of the Senate Committee on Natural Resources and Energy and the House Committee on Energy and Technology, or their designees, shall meet with the Department of Labor, the Agency of Education, Efficiency Vermont, representatives of the Community Action Agencies, NeighborWorks of Western Vermont, the Vermont Fuel Dealers Association, and other parties currently delivering programming to train workers to perform services related to thermal energy savings and weatherization.

(2) Thereafter, Efficiency Vermont shall lead the Weatherization Workforce Group that shall develop plans for the coordinated delivery of a standardized statewide Building Sciences curriculum that includes weatherization. The curriculum shall be designed to establish a career pathway in energy efficiency construction and shall include a certification that is broadly recognized, transparent, and portable.

(3) On or before October 1, 2021, Efficiency Vermont shall report to the Senate Committee on Natural Resources and Energy and the House Committee on Energy and Technology a plan for enhancing the coordinated delivery of the standardized Building Sciences training program in order to support the goals of 10 V.S.A. § 581.

(b) Energy Savings Counseling Report.

(1) On or before June 30, 2021, the Chairs of the Senate Committee on Natural Resources and Energy and the House Committee on Energy and Technology, or their designees shall meet with the Office of Economic Opportunity, the directors of the Community Action Agencies, Efficiency Vermont, NeighborWorks of Western Vermont, and other parties currently providing outreach and counseling services to Vermonters with low and

moderate income for the State's energy savings programs, including thermal and transportation energy efficiency programs.

(2) Thereafter, the Office of Economic Opportunity shall lead the Energy Savings Counseling Group that shall develop a plan for the coordinated and effective delivery of counseling services designed to enroll and deliver energy savings programs to their target service populations.

(3) On or before October 15, 2021, the Office of Economic Opportunity shall report to the Senate Committee on Natural Resources and Energy and the House Committee on Energy and Technology a plan for coordinating and enhancing their counseling services to Vermonters with low and moderate-income who could benefit from the State's energy savings programs, including thermal and transportation energy efficiency programs.

Sec. E.234.4 30 V.S.A. § 35 is added to read:

§ 35. ENERGY SAVINGS FUND

(a) There is established the Energy Savings Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. This Fund shall be administered by the Department of Public Service to fund a variety of programs that will increase energy savings. Monies in the Fund shall be used solely for energy savings programs and for necessary costs incurred in administering the Fund. The Department may create programs to be funded, including weatherization and transportation programs.

(b) The Fund shall be made up of any funds appropriated to or deposited into the Fund.

(c) The funds shall only be used to fund projects for which federal funds are not currently available.

Sec. E.235 STUDY; E-911 SPECIAL FUND

(a) The Agency of Administration shall review the existing statutory funding streams for the Enhanced 911 Special Fund and shall propose changes or additions as necessary to ensure the long-term sustainability of the E-911 Board's operations. On or before January 15, 2022, the Secretary of Administration shall report his or her findings and recommendations to the House Committees on Energy and Technology, on Government Operations, on Ways and Means, and on Appropriations and the Senate Committees on Finance and on Appropriations. As a part of this review and report, the Administration shall specifically provide comment or recommendation on the proposals related to capacity of the Universal Service Fund contained in the report issued pursuant to 2020 Acts and Resolves No. 137, Sec. 19 (PEG

study), and recommendations regarding the structure or governance of the E-911 program.

* * * Human Services * * *

Sec. E.300 FUNDING FOR THE OFFICE OF THE HEALTH CARE
ADVOCATE

(a) Of the funds appropriated in Sec. B.300 of this act, \$1,457,406 shall be used for the contract with the Office of the Health Care Advocate.

Sec. E.300.1 2020 Acts and Resolves No. 155, Sec. 2 is amended to read:

Sec. 2. HEALTH CARE WORKFORCE STRATEGIC PLAN; REPORT

(a) The Director of Health Care Reform, in connection with the advisory group established pursuant to 18 V.S.A. § 9491(b) in Sec. 1 of this act, shall update the health care workforce strategic plan as set forth in 18 V.S.A. § 9491 and shall submit a draft of the plan to the Green Mountain Care Board for its review and approval on or before ~~July 1~~ October 15, 2021. The Board shall review and approve the plan within 30 days following receipt.

(b) On or before ~~August 15~~ December 1, 2021, the Director shall provide the updated health care workforce strategic plan to the House Committees on Appropriations, on Health Care, and on Commerce and Economic Development and the Senate Committees on Appropriations, on Health and Welfare, and on Economic Development, Housing and General Affairs.

E.300.2 AGENCY OF HUMAN SERVICES; ALL PAYER
ACCOUNTABLE CARE ORGANIZATION MODEL;
DELIVERY SYSTEM REFORM; HEALTH INFORMATION
TECHNOLOGY

(a) The Agency of Human Services is authorized to carry forward the sum of \$3,900,000 in Global Commitment funds to fiscal year 2022 for the following purposes related to implementation of the All-Payer Accountable Care Organization (ACO) Model:

(1) health information technology projects, including:

(A) a hypertension and diabetes identification and management tool to support clinical decision making; and

(B) just-in-time clinical data reporting for quality improvement to support clinical decision making; and

(2) delivery system reform projects focused on implementation of the care model, including expanding trainings and performance improvement activities, and continuation of the Longitudinal Care Home Health Program and the Developmental Understanding and Legal Collaboration for Everyone (DULCE) Program.

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT:

(a) The Agency of Human Services shall use the funds appropriated in Sec. B.301 of this act for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, the Department of Vermont Health Access, as provided for in the Global Commitment for Health Waiver (Global Commitment) approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the State funds appropriated in this section, a total estimated sum of \$24,993,731 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$22,220,000 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount, combined with \$28,280,000 of federal funds appropriated in Sec. B.301 of this act, equals a total estimated expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$2,773,731 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

(c) Up to \$4,618,437 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 – Secretary's Office – Global Commitment of this act.

Sec. E.301.1 GLOBAL COMMITMENT WAIVER AMENDMENT

(a) The Secretary of the Agency of Human Services is authorized to seek to extend or renew Vermont's Global Commitment to Health Section 1115 Demonstration Waiver, which is currently set to expire on December 31, 2021. The Agency of Human Services shall strive to maintain or increase the State's flexibility to use Global Commitment investment dollars to increase access to care and coverage, improve health outcomes, strengthen health care delivery, and promote transformation to value-based and integrated models of care.

Sec. E.301.2 GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER;
REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2022, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2022 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. E.301.3 GLOBAL COMMITMENT: CARRYFORWARD RESERVE
TO SUSTAIN HOME AND COMMUNITY-BASED
PROGRAM FUNDING INCREASES

(a) To the extent that federal guidance related to Section 9817 of ARPA (one-year 10 percent FMAP increase for home and community-based programs) allow, State general funds appropriated in Sec. B.301 of this act that are unexpended in fiscal year 2022 as a result of this FMAP increase shall carryforward. This carry forward shall be available in future years to provide the State match in order to sustain the fiscal year 2022 increases in funding to statewide home- and community-based programs.

Sec. E.306 VERMONT HEALTH BENEFIT EXCHANGE RULES

(a) The Agency of Human Services may adopt rules pursuant to 3 V.S.A. chapter 25 to conform Vermont's rules regarding health care eligibility and enrollment and the operation of the Vermont Health Benefit Exchange to state and federal law and guidance. The Agency may use the emergency rules process pursuant to 3 V.S.A. § 844 prior to June 30, 2022, but only in the event that new state or federal law or guidance requires Vermont to amend or adopt its rules in a time frame that cannot be accomplished under the traditional rulemaking process. An emergency rule adopted under these exigent circumstances shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

Sec. E.306.1 33 V.S.A. § 1805 is amended to read:

§ 1805 DUTIES AND RESPONSIBILITIES

The Vermont Health Benefit Exchange shall have the following duties and responsibilities consistent with the Affordable Care Act:

* * *

~~(C) collecting premium payments made for qualified health benefit plans from employers and individuals on a pretax basis, including collecting premium payments from multiple employers of one individual for a single plan covering that individual; and~~

~~(D)~~(C) creating a simplified and uniform system for the administration of health benefits.

* * *

(6) Determining enrollee premiums and subsidies as required by the Secretary of the U.S. Department of the Treasury or of the U.S. Department of Health and Human Services and informing consumers of eligibility for premiums and subsidies, including by providing an electronic calculator to determine the actual cost of coverage after application of any premium tax credit under Section 36B of the Internal Revenue Code of 1986 and any cost-sharing reduction under Section 1402 of the Affordable Care Act.

* * *

Sec. E.311 AGENCY OF HUMAN SERVICES; DESIGNATED AND SPECIALIZED SERVICE AGENCIES; WORKFORCE DEVELOPMENT

(a) The Agency of Human Services shall distribute the funds remaining from the \$5,000,000 appropriated to the Agency to make strategic investments in order to expand the supply of high-quality mental health and substance use disorder treatment professionals in 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. 106.1 to the designated and specialized service agencies equitably based on each agency's proportion of full-time equivalent (FTE) mental health and substance use disorder treatment staff to the total number of FTE mental health and substance use disorder treatment staff across all designated and specialized service agencies statewide. The designated and specialized service agencies shall use these funds for loan repayment and tuition assistance to promote the recruitment and retention of high-quality mental health and substance use disorder treatment professionals available to Vermont residents in need of their services, as set forth in subsection (b) of this section.

(b)(1) Each designated and specialized service agency shall make the funds received pursuant to subsection (a) of this section available to its current and prospective employees as set forth in subdivisions (A) and (B) of

this subdivision (1) on a rolling basis in exchange for a one-year service obligation to provide mental health services or substance use disorder treatment services, or both, at a designated or specialized service agency in this State. The funds may be used for the following purposes:

(A) loan repayment for master's-level clinicians, bachelor's-level direct service staff, and nurses; and

(B) tuition assistance for individuals pursuing degrees to become master's-level clinicians, bachelor's-level direct service staff, and nurses.

(2) Loan repayment and tuition assistance funds shall be available to the current and prospective employees of designated and specialized service agencies in the form of forgivable loans, with the debt forgiven upon an employee's completion of the required service obligation.

(c) Until the funds have been fully expended, the Agency of Human Services shall provide quarterly reports to the House Committees on Appropriations, on Health Care, and on Human Services; the Senate Committees on Appropriations and on Health and Welfare; and the Health Reform Oversight Committee with information on the following:

(1) the specific designated and specialized service agencies that have received funds to date and the programs within each of those agencies in which the financial assistance recipients will deliver services;

(2) the amount of financial assistance funding provided to each recipient;

(3) the specific degrees or certificates toward which the tuition assistance recipients are working and those earned by loan repayment recipients; and

(4) the number of new employees attracted to the designated and specialized service agencies as a result of the financial assistance, their fields of study, and the programs in which they deliver services.

Sec. E.311.1. 18 V.S.A. § 33 is amended to read:

§ 33. UNIVERSITY OF VERMONT COLLEGE OF MEDICINE;
MEDICAL STUDENT INCENTIVE SCHOLARSHIP PROGRAM

(a) The Department of Health, in collaboration with the Office of Primary Care and Area Health Education Centers Program (AHEC) at the University of Vermont College of Medicine (AHEC) and the Vermont Student Assistance Corporation (VSAC), shall establish a ~~primary care physician scholarship program~~ Medical Student Incentive Scholarship Program at the University of Vermont College of Medicine. The purpose of the Program is to strengthen

~~the workforce pipeline and increase the number of new physicians practicing in Vermont to meet the health care needs of Vermonters, with a focus on rural areas and undersupplied medical specialties. The scholarships shall cover the medical school tuition for up to five third-year and up to five fourth-year medical students annually who commit to practicing primary care in a rural area of this State or in a Vermont federally qualified health center's service area, in a setting or practice not owned by an academic medical center. For each academic year of tuition covered by the scholarship, the recipient shall incur an obligation of two years of full-time service or four years of half-time service. Students receiving a scholarship for their third year of medical school shall be eligible to receive another scholarship for their fourth year of medical school. The amount of each scholarship shall be set at the in-state tuition rate less any other State or federal educational grant assistance the student receives for the same academic year.~~

~~(b)(1) Scholarships shall be awarded to up to 10 students annually who commit to practicing in a medical specialty priority area, as set forth in subdivision (c)(2) of this section, in a region of Vermont other than Chittenden County, in a practice site that is not owned by an academic medical center and that accepts patients who are covered by Medicaid, Medicare, or other publicly funded health benefit program.~~

~~(2) Students shall be eligible to participate in the Medical Student Incentive Scholarship Program in their third and fourth year of medical school. A student who receives an incentive scholarship for the third year of medical school shall be eligible to receive another incentive scholarship for the fourth year of medical school.~~

~~(3) Each incentive scholarship award shall be for an amount not less than the in-state tuition rate for the University of Vermont College of Medicine.~~

~~(c)(1) For each academic year of incentive scholarship received, the recipient shall incur a full-time service obligation of not less than one year in a medical specialty priority area and in a setting that meets the requirements of subdivision (b)(1) of this section.~~

~~(2) The medical specialty priority area shall be primary care; Approved specialties shall be all of the specialties recognized by the National Health Service Corps at the time of the scholarship award, which may include family medicine, internal medicine, adult primary care, pediatrics primary care, obstetrics-gynecology, and psychiatry.~~

~~(e)(3) An incentive scholarship recipient who does not fulfill the service obligation commitment to practice primary care in Vermont in accordance~~

with the terms of the award shall be liable for repayment of the full amount of the scholarship, plus interest calculated in accordance with the formula determined by the National Health Service Corps for failure to complete a service obligation under that program and penalty.

(d)(1) The Medical Student Incentive Scholarship Program shall be administered in compliance with federal financial aid regulations and the Internal Revenue Code.

(2) Payments shall be made directly to the recipient's University of Vermont student financial services account.

(3) The full terms and conditions of the award shall be described in the award contract or promissory note and shall be binding once the contract or note is fully executed.

(4) AHEC and VSAC shall enter into a memorandum of understanding establishing their respective responsibilities for administering the Medical Student Incentive Scholarship Program. The memorandum of understanding shall be subject to the approval of the Department of Health.

(e)(1) The Commissioner of Health, in consultation with AHEC and VSAC, may establish additional medical specialties, recipient eligibility criteria, selection criteria, award terms and conditions, and evidence-based best practices to meet the purposes of the Medical Student Incentive Scholarship Program on an annual basis to best respond to Vermont's needs for physician workforce and access to health care.

(2) The Commissioner of Health may adopt rules in accordance with 3 V.S.A. chapter 25 in order to plan, implement, maintain, and evaluate the Medical Student Incentive Scholarship Program established in this section.

Sec. E.311.2 2020 Acts and Resolves No. 155, Sec. 7a is amended to read:

Sec. 7a. SUNSET

18 V.S.A. § 33 (medical students; primary care) is repealed on July 1, 2022 2027.

Sec. E.311.3 NURSE SCHOLARSHIP AND UNIVERSITY OF VERMONT COLLEGE OF MEDICINE; MEDICAL STUDENT INCENTIVE SCHOLARSHIP PROGRAM; APPROPRIATION

(a) Of the Global Commitment funds appropriated in Sec. B.311 of this act to the Department of Health, the sum of \$2,272,727 shall be transferred to Vermont Student Assistance Corporation in fiscal year 2022 for scholarships for nurse students who commit to practice in Vermont and for medical

students who commit to practicing primary care in this State in accordance with 18 V.S.A. § 33. The Medical Student Incentive funds shall be available for distribution following approval of the initial memorandum of understanding between the Office of Primary Care and Area Health Education Centers Program at the University of Vermont College of Medicine (AHEC) and the Vermont Student Assistance Corporation (VSAC).

Sec. E.312 HEALTH – PUBLIC HEALTH

(a) AIDS/HIV funding.

(1) In fiscal year 2022, and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated according to an RFP process.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by State general funds.

(3)(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of not less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2022, the Department of Health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including syringe exchange programs; improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. Not more than

15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(5) In fiscal year 2022, the Department of Health shall provide grants in the amount of \$150,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants will be State fiscal year 2022. Grant reporting shall include outcomes and results.

(6) In fiscal year 2022, the Department of Health shall not reduce any grants to the Vermont AIDS service and peer-support organizations from funds appropriated for AIDS/HIV services to levels below those in fiscal year 2020 without receiving prior approval from the Joint Fiscal Committee.

Sec. E.318 EDUCATIONAL AND EXPERIENTIAL VARIANCE

(a) For individuals operating or employed in a registered family child care home or as a director or teacher associate in a center-based program for 10 or more years prior to September 1, 2016, the Commissioner for Children and Families or designee may issue a variance to the Child Development Division's rule regarding educational and experiential requirements to allow an individual to maintain employment in that same role regardless of whether the family child care provider, family child care assistant, director, or teacher associate intends to attain the otherwise necessary educational requirements. To be eligible for a variance, the family child care provider, family child care assistant, director, or teacher associate shall:

(1) work continuously in a regulated program with a full license in good standing; and

(2) meet the Division's educational and experiential requirements in place prior to the adoption of the new rule, which was effective beginning on September 1, 2016.

(b) The Commissioner or designee shall review any violation occurring in a regulated program where a family childcare provider, family child care assistant, director, or teacher associate is under variance and may revoke the variance granted by this section depending upon the seriousness and circumstances of the violation.

(c) Any variance granted under this section shall be terminated on July 1, 2024, and extensions shall not be granted beyond that date.

Sec. E.318.1 DEPARTMENT FOR CHILDREN AND FAMILIES;
SPECIALIZED CHILD CARE TRANSPORTATION

(a) It is the intent of the General Assembly that there be no reduction in specialized childcare transportation services provided by the Department for Children and Families resulting from a statewide transportation contract. Should a more cost-effective, coordinated system of specialized child care transportation not be attainable by the move to a statewide contract in fiscal year 2022, the program shall revert to a commensurate base funding level and program parameters that were in place during fiscal year 2021. Any changes to transportation services shall not decrease the expeditious authorization of services to families.

(b) On or before November 1, 2021, the Department for Children and Families shall submit a written report to the House Committees on Appropriations and on Human Services; and the Senate Committees on Appropriations and on Health and Welfare outlining the outcome of the statewide transportation Request for Proposal regarding transportation services. The report shall identify the average number of children served under the Specialized Transportation Services program by region in fiscal year 2021 and the average number of number of children served under the Specialized Transportation Services program by region in July, August, and September 2021.

Sec. E.318.2 CHILD CARE PROVIDER STABILIZATION GRANTS

(a) Of the funds provided in fiscal year 2022 in Sec. B.318 of this act, \$800,000 is allocated for the purpose of expanding infant and toddler child care capacity.

(b) The Division shall award grants to eligible applicants. An eligible applicant shall:

(1) be a new or existing regulated, privately owned center-based childcare program or family child care home in good regulatory standings;

(2) participate in the Childcare Financial Assistance Program (CCFAP);

(3) provide year-round, full day childcare and early learning services;

(4) provide childcare and early learning services for infants and toddlers; and

(5) participate in the Step Ahead Recognition System (STARS).

(c) Center-based childcare program or family child care homes receiving a grant pursuant to this section shall remain in compliance with the Division's rules, continue participation in STARS, and maintain enrollment of children supported by CCFAP.

Sec. E.318.3 AMERICAN RESCUE PLAN ACT OF 2021; CHILD CARE STABILIZATION GRANTS: APPROPRIATION AND PLAN REQUIREMENT

(a) In fiscal year 2022, the amount of \$14,700,000 is appropriated to the Department for Children and Families Division of Child Development from the Federal Funds available under the Child Care Stabilization Grants funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2. Of this appropriation, \$700,000 shall be allocated for current and prospective early childhood provider scholarships programs; \$1,800,000 shall be allocated for early childhood student loan repayment; and \$100,000 shall be transferred to Vermont Department of Labor for the pre-apprenticeship program in Early Childhood Education provided by Vermont Career and Technical Education centers.

(b) On or before September 1, 2021, the Department for Children and Families, in consultation with stakeholders, including individuals who are Black, Indigenous, and Persons of Color, shall submit a plan on the proposed use of the Child Care Stabilization Grants funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2, in excess of funds appropriated or authorized under subsection (a) of this section for review and acceptance by the Joint Fiscal Committee at their September 2021 meeting. The plan shall concurrently be provided to the Chairs of the House Committee on Human Services and of the Senate Committee on Health and Welfare for input prior to action by the Joint Fiscal Committee. To the extent permissible, the plan shall specifically address the fiscal impact of the pandemic on Head Start programs statewide.

(c) Notwithstanding 32 V.S.A. § 5, funds from the American Rescue Plan Act of 2021 Child Care Stabilization Grants Fund shall be deposited into the State Treasury and are hereby accepted and shall be spent subject to appropriation. Excess receipts authority may be granted only in the event that the appropriation in subsection (a) of this section are not sufficient to support childcare providers prior to the fiscal year 2022 budget adjustment process and the funds are used consistent with the plan accepted pursuant to subsection (b) of this section.

Sec. E.321 GENERAL/EMERGENCY ASSISTANCE HOUSING

(a) Funds appropriated to the Department for Children and Families in the General/Emergency Assistance program in fiscal year 2022 shall be used to

provide emergency housing in accordance with program rules waived or varied under 2021 Acts and Resolves No, 6, Sec. 1. The purpose of emergency housing is to ensure short-term housing for vulnerable segments of the population experiencing homelessness and housing insecurity to the extent that such housing does not exceed hotel room and motel room capacity within the State and expenditures for such housing do not exceed available State and federal funds. The assistance provided under this section is not an entitlement and may be discontinued upon the expenditure of the appropriated funds.

(b) During the COVID-19 pandemic, the Department for Children and Families temporarily expanded eligibility for emergency housing through the General/Emergency Assistance program in response to the public health emergency. The General Assembly and the Administration acknowledge that this approach is neither financially nor programmatically sustainable. The Commissioner for Children and Families, in consultation with the emergency housing working group established by the House Appropriations Committee, has identified and shall implement new emergency housing eligibility criteria. The new eligibility criteria shall remain in effect for the duration of fiscal year 2022 unless there is a need to expand eligibility in response to a public health emergency or other emergency.

(c) The Department for Children and Families is authorized to create 17 limited service positions to process applications for emergency housing and comply with federal funding requirements for State fiscal year 2022.

(d) The Commissioner for Children and Families may, by policy, provide emergency housing for a limited duration in adverse weather conditions when appropriate shelter space is not available.

Sec. E.321.1 HOUSING ASSISTANCE BENEFITS
FLEXIBILITY PROGRAM; COMMUNITY
BASED ALTERNATIVES TO GENERAL
ASSISTANCE EMERGENCY HOUSING

(a) For fiscal year 2022, the Department for Children and Families may continue to fund housing assistance programs within the General Assistance program to create flexibility to provide General Assistance benefits, as well as grants to support the establishment of community-based alternatives for temporary housing as part of the effort to reduce the number of individuals temporarily housed by the General Assistance program. The purpose of these housing assistance programs and community-based alternatives is to mitigate poverty and serve applicants more effectively than they are currently being served with General Assistance funds. Eligible activities shall include, among other things, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream

prevention, and related services that ensure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The Department may award grants to homeless and housing service providers for eligible activities. Where such housing assistance programs and grants are provided and community-based programs are established, the General Assistance rules shall not apply. The assistance provided under this section is not an entitlement and may be discontinued should there not be sufficient funds.

Sec. E.321.2 EMERGENCY HOUSING WORKGROUP

(a) The Department for Children and Families shall continue to use the General Assistance Emergency Housing Workgroup, convened in March 2021, to make recommendations to the Commissioner for Children and Families on the design and implementation of a sustainable, long-term plan for providing emergency housing for fiscal year 2023 that reduces or ends reliance, or both, on the General/Emergency Assistance Motel Voucher Program. This workgroup shall consider investments needed to build local capacity to support emergency housing needs, which may include funding, training, technical assistance, and planning support. The Department for Children and Families and Workgroup shall also consider the Governor's proposed permanent housing initiative when developing its recommendations.

(b) On or before November 1, 2021, the Department for Children and Families shall submit a written report to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare with recommendations on the development of a sustainable, long-term plan for emergency housing.

(c) The Department shall continue to engage interested local and statewide parties, including the Continua of Care, service providers, people with lived experience, and representatives of Vermont's health care system, in the design, implementation, and evaluation of housing assistance programs and community-based alternatives to General/Emergency Assistance emergency housing.

Sec. E.321.3 IMPLEMENTATION OF THE REPORT

(a) The Department for Children and Families shall implement the identified sustainable housing plan on July 1, 2022 in line with recommendations made in the November 1, 2021 written report. The Department for Children and Families shall take into consideration steps necessary to ensure an effective and efficient transition that reduces or ends

reliance, or both on the General/Emergency Assistance Motel Voucher Program effective June 30, 2022.

Sec. E.323 REACH UP – FISCAL YEAR 2022 ONE-TIME USE OF
UNDERUTILIZED FUNDS

(a) To the extent that funds appropriated to the Reach Up program in fiscal year 2022 are not utilized as a result of caseload estimates being less than anticipated, funds shall carryforward and be used for a one-time payment to participating families in fiscal year 2023. The Department for Children and Families shall report to the Joint Fiscal Committee at their September 2022 meeting on the status of funds available and timing of one-time payments to participating families.

Sec. E.324 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Sec. E.325 DEPARTMENT FOR CHILDREN AND FAMILIES – OFFICE
OF ECONOMIC OPPORTUNITY

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$6,699,440 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal Emergency Solutions Grants funds. Funds shall be administered in consultation with the Vermont Coalition to end homelessness.

Sec. E.326 DEPARTMENT FOR CHILDREN AND FAMILIES – OEO –
WEATHERIZATION ASSISTANCE

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.327 REPEAL

33 V.S.A. chapter 58 (Woodside Juvenile Rehabilitation Center) is repealed.

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS
TRANSFER; JUSTICE REINVESTMENT; REPORT

(a) In fiscal year 2022, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services; provided, however, that no transfer shall be made from correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

(b) In fiscal year 2022, any unexpended funds for correctional services out-of-state beds shall be carried forward to fiscal year 2023, and the amount reported to the Joint Legislative Justice Oversight Committee in September 2022, to support community-based service programs. Funds may only be expended on community-based service programs upon approval of the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Judiciary following a recommendation from the Joint Legislative Justice Oversight Committee.

Sec. E.335.1 CORRECTIONAL OFFICERS; BODY-WORN CAMERA
POLICY AND DEPLOYMENT

(a) Deployment. The Department of Corrections shall not deploy body-worn cameras until it adopts a policy on their use, including the storage and retention of records, and trains its staff in accordance with the policy.

(b) Policy development. In developing the policy as required by this section, the Department shall:

(1) consider the implications of:

(A) the offender programming it provides; and

(B) the collective bargaining agreement it operates under; and

(2) consult with the Vermont Criminal Justice Council, the America Civil Liberties Union, the Prisoner's Rights Office, the Human Rights Commission, the Vermont State Employees' Association, statewide groups representing individuals with lived experience of incarceration, and any other stakeholder group as determined by the Department.

(c) Reports.

(1) The Department shall provide a progress report to the Joint Legislative Justice Oversight Committee on or before September 15, 2021 on the status of the policy development.

(2) On or before January 15, 2022, the Department shall present to the House Committee on Corrections and Institutions, the Senate Committee on Judiciary, and the House and Senate Committees on Government Operations its policy regarding the use of body-worn cameras for correctional officers.

(d) Funding. The Department shall identify the ongoing cost and funding source for the use of body-worn cameras, including training, data storage, and redaction, and report these findings to the Joint Fiscal and the Joint Justice Oversight Committees on or before September 15, 2021. The Department shall provide a report to the House and Senate Committees on Appropriations on or before February 15, 2022 on the status of its deployment of body-worn cameras for correctional officers.

Sec. E.337 COMMUNITY HIGH SCHOOL OF VERMONT; FISCAL
YEAR 2022

(a) It is the intent of the General Assembly that \$3,350,000 of funds from the Elementary and Secondary School Emergency Relief Fund, pursuant to Section 313(e) of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, and statewide education agency funds, appropriated to the Agency of Education in Sec. B. 501 of this act, shall fund the Community High School of Vermont for fiscal year 2022.

Sec. E.338 CORRECTIONS - CORRECTIONAL SERVICES

(a) Notwithstanding 32 V.S.A. § 3709(a), the special funds appropriation of \$152,000 for the supplemental facility payments to Newport and Springfield shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

* * * K-12 Education * * *

Sec. E.500 Education – finance and administration

(a) The Global Commitment funds appropriated in Sec. B.500 of this act shall be used for physician claims for determining medical necessity of Individualized Education Programs (IEPs). These services are intended to increase access to quality health care for uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.502 Education – special education; formula grants

(a) Of the appropriation authorized in B.502 of this act and notwithstanding any other provision of law, an amount not to exceed \$3,966,265 shall be used by the Agency of Education in fiscal year 2022 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d).

Sec. E.503 Education – state-placed students

(a) The Independence Place Program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.

Sec. E.504.1 Education – flexible pathways

(a) Of the appropriation in Sec. B.504 of this act, \$2,100,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c).

(b) Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$921,500 is available for dual enrollment programs, notwithstanding 16 V.S.A. § 944(f)(2);

(2) \$1,800,000 is available to support the Vermont Virtual High School;

(3) \$400,000 is available for secondary school reform grants;

(4) \$500,000 is available for the Vermont Academy of Science and Technology; and

(5) \$2,500,000 for Early College pursuant to 16 V.S.A. § 4011(e).

(c) Of this appropriation, \$921,500 from the General Fund is available for dual enrollment programs.

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$196,206,504 of which \$189,646,629 shall be the State's contribution and \$6,559,875 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$38,901,533 is the "normal contribution," and \$157,304,971 is the "accrued liability contribution."

Sec. E.515 RETIRED TEACHERS' HEALTH CARE AND MEDICAL BENEFITS

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$35,093,844 shall be contributed to the Retired Teachers' Health and Medical Benefits plan.

(b) \$13,835,778 is appropriated from the education fund for the normal cost of the Retired Teachers' Health and Medical Benefits plan.

Sec. E.515.1 16 V.S.A § 1944b is amended to read:

§ 1944b. RETIRED TEACHERS' HEALTH AND MEDICAL BENEFITS
FUND

* * *

(b) The Benefits Fund shall consist of:

* * *

(3) any monies pursuant to subsection ~~(e)~~(h) of this section; and

* * *

(h) Beginning on July 1, 2021, and annually thereafter, the annual contribution to be made to the Benefits Fund by the State shall be the sum of the following, each of which shall be made by separate appropriation:

(1) The amount determined by the State Treasurer to be necessary to pay all retiree health and medical benefits, including prescription drug benefits, due in accordance with subsection 1942(p) and section 1944e of this title on a pay-go basis for the fiscal year; plus

(2) The amount determined in the most recent actuarial valuation to be the "normal cost" for the same fiscal year as set forth in subsection (1) of this section, which shall be appropriated from the Education Fund. For purposes of this subsection, the "normal cost" shall be the amount that, if contributed over each member's prospective period of service, will be sufficient to provide for the payment of all future health and medical benefits after subtracting the unfunded actuarial liability and the total assets of the Benefits Fund. The "normal cost" shall be identified using the actuarial cost method known as "projected unit credit" and applying a rate of return equal to the most recently adopted actuarial rate of return pursuant to 3 V.S.A. § 523.

Sec. E.515.2 16 V.S.A § 4025(b)(4) is amended to read:

(4) To make payments to the Vermont Teachers' Retirement Fund and the Retired Teachers' Health and Medical Benefits Fund for the normal contribution in accordance with subsections 1944(c) and 1944b(h) of this title.

Sec. E.515.3 REPORT ON NORMAL COSTS AND OTHER
CHARGES TO BE PART OF SCHOOL BUDGETS.

(a) The Treasurer shall report on the following:

(1) The feasibility of moving the normal costs expenses from the Education Fund to local education agencies.

(2) Assessing federal grants for the normal costs of these benefits in a manner currently charged for teacher pensions whose funding is provided from federal grants or through federal reimbursement pursuant to § 1944c.

(3) Reimbursement for employer health care benefits through the Elementary and Secondary School Emergency Relief Fund. The report shall be submitted to the General Assembly on or before January 15, 2022.

* * * Higher Education * * *

Sec. E.600 University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay 1/12 of this appropriation in Sec. B.600 of this act to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.602 Vermont State Colleges

(a) The Commissioner of Finance and Management shall issue warrants to pay 1/12 of the appropriation in Sec. B.602 of this act to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.602.1. 16 V.S.A. § 2187 is added to read:

§ 2187 PROPERTY TRANSACTIONS

Any sale, lease, demolition, or disposal of property by the Vermont State Colleges Corporation shall comply with the requirements of 32 V.S.A. § 962.

Sec. E.602.2 VERMONT STATE COLLEGES

(a) The Vermont State College (VSC) system shall transform itself into a fully integrated system that achieves financial stability in a responsible and sustainable way in order to meet each of these strategic priorities:

(1) Affordability. Ensure that student costs and debt obligations are not barriers to student access.

(2) Accessibility. Ensure that each VSC student, regardless of where the student's home campus is located, has increased access to academic opportunities, majors and courses across the statewide system.

(3) Relevance.

(A) Ensure that each VSC student is prepared for a lifelong career and personal success in the globally-competitive 21st century.

(B) Ensure that it offers educational programs that are:

(i) aligned with State workforce needs;

(ii) offered in a fiscally responsible manner; and

(iii) delivered in a manner that is relevant to current student and employer needs.

(b) VSC shall meet the following requirements during the transformation of its system required under subsection (a) of this section and shall accommodate the oversight of the General Assembly in so doing.

(1) VSC shall reduce its structural deficit by \$5,000,000.00 per year for five years through a combination of annual operating expense reductions and increased enrollment revenues, for a total of \$25,000,000.00 by the end of fiscal year 2026. These reductions shall be structural in nature and shall not be met by use of one-time funds. The VSC Board of Trustees, through the Chancellor or designee, shall report the results of these structural reductions to the House and Senate Committees on Education and the House and Senate Committees on Appropriations annually during the Chancellor's budget presentation.

(2) The VSC Board of Trustees shall develop and implement a 10-year strategic plan for managing its physical assets that is fiscally sustainable, maintains reasonable net asset value, and meets the needs of Vermont learners. On or before March 1, 2022, the Chancellor shall present this Board approved plan to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

(3) VSC shall maintain its present campus locations as educational and student-support centers, recognizing that overall campus size, governance and operational structures as well as program and service offerings may change as circumstances require.

(4) Beginning in fiscal year 2022 and through 2031, the VSC Board of Trustees, acting through the Chancellor or designee, shall brief, as part of the Chancellor's annual budget proposal, the House and Senate Committees on Appropriations and the House and Senate Committees on Education on:

(A) enrollment levels in courses offered by VSC, reported on the basis of courses with fewer than five students, courses with five to nine

students, courses with 10 to 14 students, and courses with 15 or more students, along with relevant information about these enrollment data;

(B) in order to demonstrate accessibility, the percentage of courses and programs offered by VSC on a statewide basis and on the formats in which they are offered;

(C) an assessment of affordability and accessibility within VSC and recommendations on how to improve them;

(D) retention statistics with corresponding trend lines and benchmarks;

(E) enrollment statistics that pertain to the student enrollment efforts authorized by the fiscal year 2022 Vermont budget bill with the net student revenue generated and discount rate applied in order to enroll the students, aggregated by cohort; and

(F) demographics of student enrollments aggregated by full-time and part-time students.

(5) To help optimize student opportunities, VSC shall complete implementation of seamless general education credit transfer between all of its constituent institutions by the end of fiscal year 2023.

(6) To ensure that VSC is meeting its responsibilities to Vermont businesses and communities, beginning in fiscal year 2022, the VSC Board of Trustees, through the Chancellor or designee, shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs, as part of the Chancellor's annual budget presentation, on advances in workforce readiness and meeting employer needs, including:

(A) employer and institutional partnerships with VSC;

(B) progress in meeting critical employer needs; and

(C) the number of degrees and credentials of value awarded.

(7) The VSC Board of Trustees, through the Chancellor or designee, shall provide, in a summary form, to the House and Senate Committees on Education and the House and Senate Committees on Appropriations, as part of the Chancellor's annual budget presentation, VSC's profit and loss statement based upon its annual October financial statement.

(8) The Chancellor shall ensure all VSC Board of Trustees policies are adhered to unless a process for an exception to a Board policy is used to situationally and temporarily amend a specific Board policy. The Chancellor shall establish policies and procedures to implement the Board approved

transformation plan as developed by the Select Committee on Higher Education. The Chancellor shall report the status or progress of these Board policies, as part of the Chancellor's annual budget presentation, to the House and Senate Committees on Education.

(9) The Chancellor shall report by institution the overall net student revenue and institutional discounting of tuition metrics with relevant trends.

(10) Regarding the deficit reduction plan, the Chancellor shall report the activities that have generated expense cuts as well as activities that will result in enhanced revenues as well as future plans that will continue both efforts.

Sec. E.603 Vermont State Colleges – Allied Health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other State funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs that graduate approximately 315 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries or uninsured or underinsured persons, or both.

Sec. E.605 Vermont student assistance corporation

(a) Of the appropriation in B.605 of this act, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation (VSAC) to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of the appropriated amount remaining after accounting for subsection (a) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

(c) Of the total one-time funds appropriated in this act to VSAC, an amount up to six percent, but not to exceed \$100,000 in a fiscal year, may be used for staff expenses associated with administering the funds. Funds shall not be used for indirect costs.

Sec. E.605.1 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND EARLY COLLEGE STUDENTS

(a) The sum of \$82,500 is appropriated to the Vermont Student Assistance Corporation (VSAC) for dual enrollment and need-based stipend purposes) to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 946 to be used for the purchase of

books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(b) VSAC shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and to the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before January 15, 2022.

Sec. E.709 10 V.S.A. § 1283 is amended to read:

§ 1283. CONTINGENCY FUND

* * *

(b) Disbursements under this subsection may be made for emergency purposes or to respond to other than emergency situations; provided, however, that disbursements in response to an individual situation that is not an emergency situation shall not exceed ~~\$100,000.00 for costs attributable to each of the subdivisions of this subsection~~ \$350,000.00 for a response to a release of a hazardous material, unless the Secretary has received the approval of the General Assembly, or the Joint Fiscal Committee, in case the General Assembly is not in session. Furthermore, the balance in the Fund shall not be drawn below the amount of \$100,000.00, except in emergency situations. If the balance of the Fund becomes insufficient to allow a proper response to one or more emergencies that have occurred, the Secretary shall appear before the Emergency Board, as soon as possible, and shall request that necessary funds be provided. Within these limitations, disbursements from the Fund may be made:

* * *

Sec. E.709.1 ENVIRONMENTAL CONTINGENCY FUND; PCB
TESTING IN SCHOOLS

(a) Notwithstanding 10 V.S.A. § 1283, of the funds transferred in Sec. D.101(a) of this act to the Environmental Contingency Fund, the Department of Environmental Conservation, in consultation with the Department of Health and the Agency of Education, shall use up to \$4,500,000 to complete air indoor quality testing for Polychlorinated Biphenyls (PCBs) in public schools and approved and recognized independent schools.

* * * Vermont Housing Finance Agency; Weatherization * * *

Sec. E.802 10 V.S.A. § 621 is amended to read:

§ 621. GENERAL POWERS AND DUTIES

The Agency shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter, including those general powers provided a business corporation by 11A V.S.A. § 3.02 and those general powers provided a nonprofit corporation by 11B V.S.A. § 3.02 and including, without limiting the generality of the foregoing, the power to:

* * *

(22) issue bonds, notes, and other obligations secured by the property transfer tax revenues transferred to the Agency pursuant to 32 V.S.A. §9610(d); and

(23) develop a program to finance and promote housing weatherization using funds appropriated by the State, funds generated through issuing bonds, notes and other obligations of the Agency, and funds from other sources obtained through grants or other arrangements, giving priority to programs benefiting persons and families at or below 120 percent of median income with high energy burdens and to programs to expand the pool of qualified weatherization contractors in the State.

* * * Transportation * * *

Sec. E.900 NOTIFICATION OF USE OF AMERICAN RESCUE PLAN
ACT FUNDS BY THE VERMONT AGENCY OF
TRANSPORTATION

(a) The Secretary of the Agency of Transportation shall provide a written report to the Joint Fiscal Committee prior to utilizing Federal American Rescue Plan Act (ARPA) funds in place of funds appropriated in the fiscal year 2022 budget. The written report is for informational purposes and will not require Joint Fiscal Committee approval. If the substitutions are included in the Administration's recommended fiscal year 2022 Budget Adjustment bill, a separate written report of these substitutions shall be submitted to the House and Senate Committees on Appropriations as part of the testimony on the budget adjustment.

* * * Collective Bargaining Agreements; Fiscal Year 2022 * * *

Sec. F.100 COLLECTIVE BARGAINING AGREEMENTS; FISCAL YEAR
2022

(a) This act fully funds the collective bargaining agreements between the State and the Vermont State Employees' Association and the State and the Vermont Troopers' Association for the period of July 1, 2021 through June 30, 2022. These collective bargaining agreements provide in fiscal year 2022

an average 1.9 percent step increase and 2.25 percent across-the-board increase for a total of 4.15 percent increase.

* * * Executive Branch; Exempt Employees; Fiscal Year 2022 * * *

Sec. F.101 EXECUTIVE BRANCH; EXEMPT EMPLOYEES;
PERMITTED SALARY INCREASES; FISCAL YEAR 2022

(a) Exempt employees in the Executive Branch may receive salary increases not to exceed the average rate of adjustment available to classified employees, which is 4.15 percent, in fiscal year 2022 beginning on July 4, 2021.

(b) The permitted increases set forth in subsection (a) of this section are consistent with the collective bargaining agreement between the State and the Vermont State Employees' Association for classified employees in the Executive Branch for fiscal year 2022.

Sec. F.102 EXECUTIVE BRANCH; EXEMPT AGENCY AND
DEPARTMENT HEADS, DEPUTIES, AND EXECUTIVE
ASSISTANTS; ANNUAL SALARY ADJUSTMENT AND
SPECIAL SALARY INCREASE OR BONUS

(a) For purposes of determining annual salary adjustments, special salary increases, and bonuses under 32 V.S.A. §§ 1003(b) and 1020(b), "the average rate of adjustment available to classified employees under the collective bargaining agreement" shall be, in fiscal year 2022, 4.15 percent.

Sec. F.103 32 V.S.A. § 1020 is amended to read:

§ 1020. SALARY ADJUSTMENT; APPROVAL OF GOVERNOR

(a) Compensation to be paid any officer or employee within the Executive Branch of State government shall be determined at the time the officer or employee is hired by the Governor or such person as the Governor shall designate, subject to any applicable statutory limits, other than:

(1) an employee in the classified service;

(2) a member of the uniformed State Police within the Department of Public Safety; or

(3) an officer or employee whose compensation is specifically fixed by statute, ~~shall be determined at the time the officer or employee is hired by the Governor or such person as the Governor shall designate subject to any applicable statutory limits.~~

(b)(1) Annually, subject to any applicable statutory salary limits, the Governor may grant annual salary adjustments to exempt employees who are

deputies or executive assistants to department heads or are deputies or executive assistants to agency secretaries. The annual salary adjustment granted to any officer under this subsection shall not exceed the average of the total rate of adjustment available to classified employees under the collective bargaining agreement then in effect.

(2) In addition to the annual salary adjustment specified in this subsection, the Governor may grant a special salary increase or a bonus to any such officer whose job duties have significantly increased, or whose contributions to the State in the preceding year are deemed especially significant. Special salary increases or bonuses granted to any individual shall not exceed the average of the total rate of adjustment available to classified employees under the collective bargaining agreement then in effect.

(c)(1) The Governor may establish one or more compensation plans for other exempt employees which that provide for adjustments in salary based on changes in the duties performed, seniority, or other objective factors which that the governor Governor finds to be appropriate.

(2) The Governor may extend to such employees any adjustments to compensation not to exceed those available to classified employees provided under the collective bargaining agreement then in effect.

* * * Executive Branch; Miscellaneous Statutory Salaries;
Fiscal Year 2022 * * *

Sec. F.104 32 V.S.A. § 1003 is amended to read:

§ 1003. STATE OFFICERS

(a) Each elective officer of the Executive Department is entitled to an annual salary as follows:

	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 7,</u> <u>2019</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>January 5,</u> <u>2020</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 4,</u> <u>2021</u>
Governor	\$181,661	\$184,113	<u>\$191,754</u>
Lieutenant Governor	77,112	78,153	<u>81,396</u>
Secretary of State	115,190	116,745	<u>121,590</u>
State Treasurer	115,190	116,745	<u>121,590</u>
Auditor of Accounts	115,190	116,745	<u>121,590</u>
Attorney General	137,898	139,790	<u>145,591</u>

(b) The Governor may appoint each officer of the Executive Branch listed in this subsection at a starting salary ranging from the base salary stated for that position to a salary that does not exceed the maximum salary unless otherwise authorized by this subsection. The maximum salary for each appointive officer shall be 50 percent above the base salary. Annually, the Governor may grant to each of those officers an annual salary adjustment subject to the maximum salary. The annual salary adjustment granted to officers under this subsection shall not exceed the average of the total rate of adjustment available to classified employees under the collective bargaining agreement then in effect. In addition to the annual salary adjustment specified in this subsection, the Governor may grant a special salary increase subject to the maximum salary, or a bonus, to any officer listed in this subsection whose job duties have significantly increased, or whose contributions to the State in the preceding year are deemed especially significant. Special salary increases or bonuses granted to any individual shall not exceed the average of the total rate of adjustment available to classified employees under the collective bargaining agreement then in effect.

(1) Heads of the following Departments and Agencies:

	<u>Base Salary as of July 7, 2019</u>	<u>Base Salary as of January 5, 2020</u>	<u>Base Salary as of July 4, 2021</u>
(A) Administration	\$109,849	\$111,332	<u>\$115,952</u>
(B) Agriculture, Food and Markets	109,849	111,332	<u>115,952</u>
(C) Financial Regulation	102,693	104,079	<u>108,398</u>
(D) Buildings and General Services	102,693	104,079	<u>108,398</u>
(E) Children and Families	102,693	104,079	<u>108,398</u>
(F) Commerce and Community Development	109,849	111,332	<u>115,952</u>
(G) Corrections	102,693	104,079	<u>108,398</u>
(H) Defender General	102,693	104,079	<u>108,398</u>
(I) Disabilities, Aging, and Independent Living	102,693	104,079	<u>108,398</u>
(J) Economic Development	93,155	94,413	<u>98,331</u>
(K) Education	109,849	111,332	<u>115,952</u>

(L) Environmental Conservation	102,693	104,079	<u>108,398</u>
(M) Finance and Management	102,693	104,079	<u>108,398</u>
(N) Fish and Wildlife	93,155	94,413	<u>98,331</u>
(O) Forests, Parks and Recreation	93,155	94,413	<u>98,331</u>
(P) Health	102,693	104,079	<u>108,398</u>
(Q) Housing and Community Development	93,155	94,413	<u>98,331</u>
(R) Human Resources	102,693	104,079	<u>108,398</u>
(S) Human Services	109,849	111,332	<u>115,952</u>
(T) Digital Services	109,849	111,332	<u>115,952</u>
(U) Labor	102,693	104,079	<u>108,398</u>
(V) Libraries	93,155	94,413	<u>98,331</u>
(W) Liquor and Lottery	93,155	94,413	<u>98,331</u>
(X) [Repealed.]			
(Y) Mental Health	102,693	104,079	<u>108,398</u>
(Z) Military	102,693	104,079	<u>108,398</u>
(AA) Motor Vehicles	93,155	94,413	<u>98,331</u>
(BB) Natural Resources	109,849	111,332	<u>115,952</u>
(CC) Natural Resources Board Chair	93,155	94,413	<u>98,331</u>
(DD) Public Safety	102,693	104,079	<u>108,398</u>
(EE) Public Service	102,693	104,079	<u>108,398</u>
(FF) Taxes	102,693	104,079	<u>108,398</u>
(GG) Tourism and Marketing	93,155	94,413	<u>98,331</u>
(HH) Transportation	109,849	111,332	<u>115,952</u>
(II) Vermont Health Access	102,693	104,079	<u>108,398</u>
(JJ) Veterans' Home	102,693	104,079	<u>108,398</u>

(2) The Secretary of Administration may include the Director of the Office of Professional Regulation in any pay plans that may be established under the authority of subsection 1020(c) of this title, provided the minimum

hiring rate does not fall below a base salary, as of ~~July 7, 2019~~ of \$78,975.00 ~~and as of January 5, 2020~~ of \$80,041.00 and as of July 4, 2021 of \$83,363.00.

(3) If the Chair of the Natural Resources Board is employed on less than a full-time basis, the hiring and salary maximums for that position shall be reduced proportionately.

(4) When a permanent employee is appointed to an exempt position, the Governor may authorize such employee to retain the present salary even though it is in excess of any salary maximum provided in statute.

* * *

(d) Notwithstanding the maximum salary established in subsection (b) of this section, the Defender General shall not receive compensation in excess of the compensation established for the Attorney General in this section.

(e) Notwithstanding the maximum salary established in subsection (b) of this section, the maximum salary for the Commissioner of Health ~~may~~ shall not exceed \$150,000.00.

* * * Judicial Branch; Statutory Salaries; Fiscal Year 2022 * * *

Sec. F.105 32 V.S.A. § 1003(c) is amended to read:

(c) The officers of the Judicial Branch named below shall be entitled to annual salaries as follows:

	Annual Salary as of July 7, 2019	Annual Salary as of January 5, 2020	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 4,</u> <u>2021</u>
(1) Chief Justice of Supreme Court	\$174,843	\$177,203	<u>\$184,557</u>
(2) Each Associate Justice	66,868	169,121	<u>176,140</u>
(3) Administrative judge <u>Judge</u>	166,868	169,121	<u>176,140</u>
(4) Each Superior judge	158,635	160,777	<u>167,449</u>
(5) [Repealed.]			
(6) Each magistrate	119,609	121,224	<u>126,255</u>
(7) Each Judicial Bureau hearing Officer	119,609	121,224	<u>126,255</u>

Sec. F.106 32 V.S.A. § 1141 is amended to read:

§ 1141. ASSISTANT JUDGES

(a)(1) Each assistant judge of the Superior Court shall be entitled to receive compensation in the amount of ~~\$183.38 a day as of July 7, 2019~~ and \$185.86 a day as of January 5, 2020 and \$193.57 a day as of July 4, 2021 for time spent in the performance of official duties and necessary expenses as allowed to classified State employees. Compensation under this section shall be based on a two-hour minimum and hourly thereafter.

(2)(A) The compensation paid to an assistant judge pursuant to this section shall be paid by the State except as provided in subdivision (B) of this subdivision (2).

(B) The compensation paid to an assistant judge pursuant to this section shall be paid by the county at the State rate established in subdivision (a)(1) of this section when an assistant judge is sitting with a presiding Superior judge in the Civil or Family Division of the Superior Court.

(b) Assistant judges of the Superior Court shall be entitled to receive pay for such days as they attend court when it is in actual session, or during a court recess when engaged in the special performance of official duties.

Sec. F.107 32 V.S.A. § 1142 is amended to read:

§ 1142. PROBATE JUDGES

(a) The Probate judges in the several Probate Districts shall be entitled to receive the following annual salaries, which shall be paid by the State in lieu of all fees or other compensation:

	Annual Salary as of July 7, 2019	Annual Salary as of January 5, 2020	<u>Annual Salary</u> as of <u>July 4, 2021</u>
(1) Addison	\$62,540	\$63,384	<u>\$66,014</u>
(2) Bennington	79,060	80,127	<u>83,452</u>
(3) Caledonia	55,461	56,210	<u>58,543</u>
(4) Chittenden	131,939	133,720	<u>139,269</u>
(5) Essex	15,494	15,703	<u>16,355</u>
(6) Franklin	62,540	63,384	<u>66,014</u>
(7) Grand Isle	15,494	15,703	<u>16,355</u>
(8) Lamoille	43,660	44,249	<u>46,085</u>

(9) Orange	51,919	52,620	<u>54,804</u>
(10) Orleans	50,740	51,425	<u>53,559</u>
(11) Rutland	112,100	113,613	<u>118,328</u>
(12) Washington	86,138	87,301	<u>90,924</u>
(13) Windham	69,620	70,560	<u>73,488</u>
(14) Windsor	94,400	95,674	<u>99,644</u>

(b) Probate judges shall be entitled to be paid by the State for their actual and necessary expenses under the rules and regulations pertaining to classified State employees. The compensation for the Probate judge of the Chittenden District shall be for full-time service.

(c) All Probate judges, regardless of the number of hours worked annually, shall be eligible to participate in all employee benefits that are available to exempt employees of the Judicial Department.

* * * Sheriffs; Statutory Salaries; Fiscal Year 2022 * * *

Sec. F.108 32 V.S.A. § 1182 is amended to read:

§ 1182. SHERIFFS

(a) The sheriffs of all counties except Chittenden shall be entitled to receive salaries in the amount of ~~\$84,969.00 as of July 7, 2019~~ and ~~\$86,116.00 as of January 5, 2020~~ and \$89,690.00 as of July 4, 2021. The Sheriff of Chittenden County shall be entitled to an annual salary in the amount of ~~\$89,919.00 as of July 7, 2019~~ and ~~\$91,133.00 as of January 5, 2020~~ and \$94,915.00 as of July 4, 2021.

(b) Compensation under subsection (a) of this section shall be reduced by 10 percent for any sheriff who has not obtained Level III law enforcement officer certification under 20 V.S.A. § 2358.

* * * State’s Attorneys; Statutory Salaries; Fiscal Year 2022 * * *

Sec. F.109 32 V.S.A. § 1183 is amended to read:

§ 1183. STATE’S ATTORNEYS

(a) The State’s Attorneys shall be entitled to receive annual salaries as follows:

<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 7,</u> <u>2019</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>January 5,</u> <u>2020</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 4,</u> <u>2021</u>
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(1) Addison County	\$114,934	\$116,486	<u>\$121,320</u>
(2) Bennington County	\$114,934	\$116,486	<u>\$121,320</u>
(3) Caledonia County	\$114,934	\$116,486	<u>\$121,320</u>
(4) Chittenden County	\$120,160	\$121,782	<u>\$126,836</u>
(5) Essex County	\$86,202	\$87,366	<u>\$90,992</u>
(6) Franklin County	\$114,934	\$116,486	<u>\$121,320</u>
(7) Grand Isle County	\$86,202	\$87,366	<u>\$90,992</u>
(8) Lamoille County	\$114,934	\$116,486	<u>\$121,320</u>
(9) Orange County	\$114,934	\$116,486	<u>\$121,320</u>
(10) Orleans County	\$114,934	\$116,486	<u>\$121,320</u>
(11) Rutland County	\$114,934	\$116,486	<u>\$121,320</u>
(12) Washington County	\$114,934	\$116,486	<u>\$121,320</u>
(13) Windham County	\$114,934	\$116,486	<u>\$121,320</u>
(14) Windsor County	\$114,934	\$116,486	<u>\$121,320</u>

* * *

* * * Appropriations * * *

Sec. F.111 PAY ACT APPROPRIATIONS; FISCAL YEAR 2022

(a) Executive Branch. The second year of the two-year agreements between the State of Vermont and the Vermont State Employees' Association for the Defender General, Non-Management, Supervisory, and Corrections bargaining units, and, for the purpose of appropriation, the State's Attorneys' offices bargaining unit, for the period of July 1, 2021 through June 30, 2022; the collective bargaining agreement with the Vermont Troopers' Association for the period of July 1, 2021 through June 30, 2022; and salary increases for employees in the Executive Branch not covered by the bargaining agreements shall be funded as follows:

(1) Fiscal year 2022.

(A) General Fund. The amount of \$10,033,806 is appropriated from the General Fund to the Secretary of Administration for distribution to departments to fund the fiscal year 2022 collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$4,250,000 is appropriated from the Transportation Fund to the Secretary of Administration for

distribution to the Agency of Transportation and the Department of Public Safety to fund the fiscal year 2022 collective bargaining agreements and the requirements of this act.

(C) Other funds. The Administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the fiscal year 2022 collective bargaining agreements and the requirements of this act. The estimated amounts are \$15,775,278 from a special fund, federal funds, and other sources.

(D) Transfers. With due regard to the possible availability of other funds, for fiscal year 2022, the Secretary of Administration may transfer from the various appropriations and various funds and from the receipts of the Liquor Control Board such sums as the Secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by State funds.

(2) This section shall include sufficient funding to ensure administration of exempt pay plans authorized by 32 V.S.A. § 1020(c).

(b) Judicial Branch.

(1) The Chief Justice of the Vermont Supreme Court may extend the provisions of the Judiciary's collective bargaining agreement to Judiciary employees who are not covered by the bargaining agreement.

(2) The second year of the two-year agreements between the State of Vermont and the Vermont State Employees' Association for the judicial bargaining unit for the period of July 1, 2021 through June 30, 2022 and salary increases for employees in the Judicial Branch not covered by the bargaining agreements shall be funded as follows: the amount of \$978,648 is appropriated from the General Fund to the Judiciary to fund the fiscal year 2022 collective bargaining agreement and the requirements of this act.

(c) Legislative Branch. For the period of July 1, 2021 through June 30, 2022, the General Assembly shall be funded as follows: the amount of \$399,630 is appropriated from the General Fund to the Legislative Branch.

* * * Fiscal Year 2021; One-Time Payments * * *

Sec. F.112 FISCAL YEAR 2021; ONE-TIME PAYMENTS AUTHORIZED

(a) The Executive Branch is authorized to provide elected State officials whose salaries are set pursuant to 32 V.S.A. § 1003 (State officers), who did not otherwise receive a salary increase in fiscal year 2021, a one-time cash payment equivalent to the value of a 1.9 percent increase on their fiscal year 2020 salary.

(b) The Judicial Branch is authorized to provide judicial officers whose salaries are set pursuant to 32 V.S.A. §§ 1003 and 1141–1142, who did not otherwise receive a salary increase in fiscal year 2021, a one-time cash payment equivalent to the value of a 1.9 percent increase on their fiscal year 2020 salary.

* * * American Rescue Plan Act Appropriations * * *
* * * Intent and Other Funding * * *

Sec. G.100 INVESTING THE AMERICAN RESCUE PLAN ACT
APPROPRIATIONS FOR ALL VERMONTERS

(a) The American Rescue Plan Act (ARPA) was enacted on March 11, 2021 and includes a \$1.05 billion grant of flexible aid for Vermont to be spent over the next four years. With these funds, and other federal or State funds, the General Assembly recognizes an unprecedented opportunity to strengthen Vermont’s economy and communities and make long-term investments that support all Vermonters.

(b) Appropriations of ARPA - Coronavirus State Fiscal Relief Funds available in fiscal year 2022 are made in the following sections by categorical areas. In some cases, one-time State general funds or other APRA funding sources are included for specific programs or projects providing comprehensive funding by category. All appropriations of ARPA funding in this act are made to the extent permitted by federal law and guidance. The appropriations below are summarized as follows:

(1) ARPA Coronavirus State Fiscal Relief Funds	\$478,500,000
(2) General funds	\$ 55,200,000
(3) Other ARPA funds	<u>\$ 51,000,000</u>
TOTAL	\$584,700,000

(c) Federal legislation providing additional funding for infrastructure investments is anticipated to be enacted in the fall of 2021. It is the intent of the General Assembly that the remaining appropriation of over \$500,000,000 ARPA - Coronavirus State Fiscal Relief Funds be made during the 2022 legislative session in the context of potential additional federal infrastructure funding and other federal funding, as well the updated forecast of available State funds at that time. To the extent that additional federal funding is available to the state prior to the 2022 legislative session that can offset unexpended fiscal year 2022 ARPA - Coronavirus State Fiscal Relief Funds appropriations, the Commissioner of Finance and Management shall provide a report to Joint Fiscal Committee by November 15, 2021 on such offsets under consideration for inclusion in the fiscal year 2022 Budget Adjustment Act. The intent of the appropriations below is to enable foundational investments

that will transform and strengthen Vermont's economy and communities and support all Vermonters.

* * * Health, Well-being, and Justice Investments * * *

Sec. G.200 INVESTMENTS FOR THE HEALTH AND WELL-BEING OF VERMONTERS

(a) \$11,100,000 in fiscal year 2022 is appropriated from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$5,000,000 to the Department of Disabilities, Aging, and Independent Living (DAIL) to be used for grants to currently existing adult day service providers to support operating costs, program infrastructure, and COVID-19 related costs. On or before each quarter of fiscal year 2022 (July 1, 2021, October 1, 2021, January 1, 2022, and April 1, 2022), the Vermont Association of Adult Day Services shall provide a spreadsheet to the Department detailing the amount of grants needed by each program for each quarter. This appropriation may be adjusted to the extent that the Department, in coordination with the Agency of Human Services, determines that funding from the Global Commitment can be substituted as a result of the increased federal match of 10 percent in ARPA for home- and community-based services. The Department and the Agency of Human Services shall report to the Joint Fiscal Committee at the July or September meetings on the status of any such substitution. Any amount of this appropriation remaining at the end of fiscal year 2022 shall be carried forward and shall be used to support operating costs, program infrastructure, and COVID-19 related expenses. DAIL shall work with community partners to seek organizations interested in opening an Adult Day Center in the underserved regions where Adult Day Centers closed during the COVID-19 pandemic and shall request funding in the fiscal year 2022 budget adjustment process to provide restart grants.

(2) \$600,000 to the Department of Mental Health to fund a pilot mobile crisis intervention program in Rutland. It is the intent of the General Assembly that any continuation of this pilot program or expansion of the program to other areas of the State be designed and implemented in a manner that meets the requirements to draw federal Medicaid funding for these services as specified in ARPA.

(3) \$300,000 to the Department of Health to make grants of \$25,000 to cover the financial impacts of the ongoing COVID-19 pandemic at each of the recovery centers statewide.

(4) \$3,700,000 to the Department for Children and Families for one-time grants to Parent Child Centers for capital and program improvements.

(5) \$1,000,000 to the Department for Children and Families for a grant to the Vermont Foodbank to purchase food.

(6) \$500,000 to the Agency of Education to make grants to local education agencies for the purchase of locally produced foods.

Sec. G.201 JUSTICE SYSTEM INVESTMENTS

(a) \$16,400,000 in fiscal year 2022 is appropriated from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$9,000,000 to the Judiciary for pandemic recovery response and justice system reopening in fiscal years 2022 and 2023. It is the intent of the General Assembly that portions of the appropriation made to the Judiciary under this section be spent for:

(A) the use of six-person juries in civil cases as authorized by the Court in the exercise of its emergency powers during a state of emergency; and

(B) a reduction of the backlog in child support cases, particularly in Bennington, Chittenden, and Rutland and counties.

(C) to address evictions backlog resulting from the pandemic related moratorium

(2) \$3,300,000 to the Department of State's Attorneys for pandemic recovery response and justice system reopening in fiscal years 2022 and 2023.

(A) Department of the State's Attorneys: A two-year limited service classified position, a victims advocate coordinator position is authorized in the in fiscal year 2022.

(3) \$2,700,000 to the Office of the Defender General for pandemic recovery response and justice system reopening in fiscal years 2022 and 2023.

(4) \$1,400,000 in fiscal year 2022 to the Vermont Center for Crime Victims Services:

(A) \$200,000 shall be used for grants to the Vermont Network Against Domestic and Sexual Violence for pandemic recovery response, and

(B) \$1,200,000 shall be used in manner consistent with the Victims Compensation Fund (21145).

* * * Workforce Development, Stabilization of Higher Education and
Economic Development Investments * * *

Sec. G.300 WORKFORCE INVESTMENTS

(a) \$23,000,000 is appropriated from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$2,000,000 in fiscal year 2022 to the Department of Labor for apprenticeship programs.

(2) \$1,850,000 in fiscal year 2021 to the Department of Forests, Parks and Recreation to be granted to the Vermont Youth Conservation Corps to establish the Vermont Serve, Learn, and Earn Program with other community partners to create meaningful paid service and learning opportunities for young adults beginning in the Summer and Fall of 2021. These funds shall carryforward into fiscal year 2022.

(3) \$1,000,000 in fiscal year 2022 to the University of Vermont for matching funds for research grant opportunities related to COVID-19.

(4) \$5,750,000 in fiscal year 2022 to the Vermont Student Assistance Corporation for the following programs:

(A) \$1,000,000 for advancement grants in fiscal years 2022 and 2023;

(B) \$600,000 for aspiration grants in fiscal years 2022 and 2023;

(C) \$3,800,000 for 802Opportunity grants in fiscal years 2022 and 2023; and

(D) \$350,000 for a one-time investment in the Advance Vermont program to assist Vermonters seeking credentialing information and opportunities.

(5) \$12,400,000 in fiscal year 2022 to the Vermont State Colleges for the following programs:

(A) \$2,000,000 to provide funding for up to six credits or two courses in the 2022 – 2023 academic year, including wraparound services for Vermonters whose employment was impacted by the COVID-19 public health emergency since March 13, 2020.

(B) \$3,000,000 to provide degree completion scholarships for up to 30 credits towards a credential of value for adult learners who have earned at least 40 credits towards an undergraduate degree and have a gap in attendance of at least two years.

(C) \$2,000,000 to provide welcome home scholarships of \$5,000 per year or \$2,500 per semester for full-time students enrolled for 12 or more credits, or \$3,000 per year or \$1,500 per semester for part-time students, to Vermonters transferring from out-of-state institutions or returning to school after exiting in 2020–2021. This program’s mission is to incentivize students to come home to Vermont by transferring to Vermont State College System institutions and to complete their degree if they left school without finishing in 2020–2021.

(D) \$5,000,000 to provide free last dollar tuition for one year of undergraduate studies for critical occupation careers, including bookkeeping certificate, IT service desk specialist certificate, certified production technician, graphic design certificate, software and web development program, electrical and plumbing apprenticeships, dental hygiene, certificate in accounting, small business management, radiologic science, and respiratory therapy. \$1,000,000 of these funds shall be allocated for paramedic/EMS programs. Funds may be used for practical nursing, childcare, nursing, and mental health counseling programs only after available federal and State financial aid is applied to ensure no cost to the student.

(E) \$400,000 for start-up cost for the Dental Therapy program.

Sec. G.301 STABILIZATION OF HIGHER EDUCATION INVESTMENTS

(a) \$53,200,000 in fiscal year 2022 is appropriated from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$41,000,000 to the Vermont State Colleges, for the following:

(A) \$21,000,000 for pandemic related deficits from revenue loss and increased operating expenses.

(B) \$20,000,000 for system transformation over the next four years, \$8,000,000 of which will be utilized in fiscal year 2022.

(2) \$2,200,000 to the University of Vermont to offset the impact from level room and board fees.

(3) \$10,000,000 to the Secretary of Administration for equitable distribution, to be determined in consultation with the Association of Vermont Independent Colleges, among the 11 independent colleges. Distribution factors to be considered shall include ARPA funding guidelines and creating a floor to protect smaller schools. In order to qualify for funding from this appropriation, institutions must be accredited and chartered in Vermont.

(A) Prior to any expenditure under this appropriation, the Secretary shall develop a plan through meaningful consultation with stakeholders, including, the higher education community, the business community, and the

workforce training community; the Regional Planning Commissions, other entities concerned with higher education. This plan shall consider the various needs of the institutions, the availability of alternative resources, and the economic contribution that they make to Vermont.

(B) The Agency shall also provide the public the opportunity to provide input and take such input into account when allocating the funding.

(C) A status report on the funding allocation shall be provided to the Chairs of the House and Senate Committees on Education, and to the Joint Fiscal Committee at the Joint Fiscal Committee's July meeting.

Sec. G.302 ECONOMIC DEVELOPMENT INVESTMENTS

(a) \$56,500,000 in fiscal year 2022 is appropriated from ARPA Coronavirus State Fiscal Relief Funds as follows:

(1) \$1,500,000 to the Agency of Commerce and Community Development to be used in the same manner as the Downtown Transportation and Related Capital Improvement fund established by 24 V.S.A. § 2796.

(2) \$11,000,000 to the Agency of Commerce and Community Development to be used in the same manner as the Brownfields Revitalization Fund established by 10 V.S.A. § 6654, except notwithstanding the grant limitations in 10 V.S.A. § 6654, projects supported by this appropriation will not be limited to \$200,000 grants per parcel. The Agency of Commerce and Community Development shall award the amount of \$1,000,000.00 in fiscal year 2022 to regional planning commissions for the purposes of brownfields assessment. In awarding funds under this section, the Secretary, in consultation with VAPDA, shall select one regional planning commission to administer these funds. To ensure statewide availability, the selected regional planning commission shall subgrant to regional planning commissions with brownfield programs, with not more than 10 percent of the funds being used for administrative purposes.

(3) \$2,000,000 to the Agency of Agriculture, Food and Markets for grants through the Working Lands Program.

(4) \$500,000 to the Agency of Agriculture, Food and Markets for grants to State fairs and field days organizations.

(5) \$1,150,000 to the Vermont Council on the Arts for technical assistance for cultural and arts organizations to enhance digital presence.

(6) \$11,000,000 to the Department of Economic Development to fund priority capital projects across the State as identified by the Regional Development Corporations or Regional Planning Commissions, or both.

(7) \$20,000,000 to Agency of Commerce and Community Development for Economic Recovery grants.

(8) \$1,500,000 to the Department for Children and Families, Office of Economic Opportunity, to be granted to the Community Action Agencies for the Statewide Community Action Network's Economic Micro Business Recovery Assistance for the COVID-19 Epidemic (EMBRACE) to assist the Vermont microbusiness owners impacted by COVID-19 and for new businesses started by individuals who have been impacted by the COVID-19 pandemic through layoffs, furloughs, reduced hours, or due to being employed in an industry that has been severely affected.

(9) \$1,000,000 to the University of Vermont to complete the startup of the Office of Engagement.

(10) \$800,000 to the Agency of Commerce and Community Development for technology-related grants.

(11) \$1,000,000 to the Agency of Commerce and Community Development for a Better Places grant program.

(12) \$1,900,000 to Agency of Commerce and Community Development for Working Community Challenge grants.

(13) \$150,000 to the Agency of Commerce and Community Development to provide outreach and technical for BIPOC owned businesses.

(14) 1,000,000 to the Agency of Commerce and Community Development to award grants for the new, remote, and relocated worker program.

(15) \$2,000,000 to the Department of Tourism and Marketing to promote Vermont's travel, recreation, culinary, arts, culture, agritourism, and heritage experiences to attract visitors and stimulate visitor spending with local attractions and small businesses in rural communities and throughout the State.

(b) \$1,200,000 in fiscal year 2022 is appropriated from the General Fund as follows:

(1) \$300,000 to the Agency of Commerce and Community Development to a two-year contract with a foreign trade representative.

(2) \$900,000 to the Agency of Commerce and Community Development to fund the Entrepreneurs' Seed Capital Fund to provide risk stage seed capital to Vermont businesses that have experienced economic disruption either through reduced business, new business formation, or

through an unmanageable increase in new business due to the COVID-19 crisis.

* * * Addressing Homelessness, Housing Insecurity and

Increasing the Stock of Low- and Moderate-Income Housing * * *

Sec. G.400 HOUSING AND HOMELESSNESS INVESTMENTS

(a) \$18,500,000 in fiscal year 2022 is appropriated from ARPA Coronavirus State Fiscal Relief Funds as follows:

(1) \$12,000,000 to Vermont Housing Conservation Board to provide housing and increase shelter capacity for Vermonters experiencing homelessness. This allocation is designed for those populations who may be displaced from the hotel/motel voucher program or are currently without housing. Vermont Housing and Conservation Board shall distribute these funds in consultation with the Secretary of Human Services.

(2) \$5,000,000 to the Agency of Commerce and Community Development for the Vermont Housing Incentive Program (VHIP).

(3) \$1,500,000 to the Agency of Commerce and Community Development.

(A) \$650,000 shall be used by the Agency to provide technical assistance to municipalities on accessory dwelling and small lot development as well as bylaw modernization consistent with specifications enacted in the 2021 legislative session. This allocation may include grants to Regional Planning Commissions

(B) \$850,000 shall be used provide grants of \$75,000 to each Regional Planning Commission for increased workload from the pandemic.

(b) \$91,000,000 is appropriated from other funds as follows:

(1) \$40,000,000 in fiscal year 2021 is appropriated from the General Fund to the Vermont Housing and Conservation Board (VHCB) for affordable housing initiatives. These funds shall carryforward into fiscal year 2022 and are in addition to funding provided to VHCB in 2021 Acts and Resolves No. 9.

(2) \$36,000,000 of funds reserved by motion passed on February 11, 2021 by the Joint Fiscal Committee accepting the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260) Emergency Rental Assistance Program grant is appropriated in fiscal year 2022 to the Department for Children and Families to implement the Emergency Housing Assistance Program in fiscal year 2022.

(3) \$15,000,000 in fiscal year 2022 is appropriated from funds received from the American Rescue Plan Act, 2021 (Pub. L. No. 117-2) Emergency Rental Assistance Program to the Department for Children and Families to supplement, continue, or extend, or any combination of the three, the Rental Assistance Program for Reach Up families as permissible by the Emergency Rental Assistance Program.

* * * Broadband Connectivity and
Technology Modernization Investments * * *

Sec. G.500 BROADBAND CONNECTIVITY INVESTMENTS

(a) \$101,800,000 from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$100,000,000 is appropriated in fiscal year 2022, from the ARPA State Fiscal Relief Fund consistent with H.360 in order to support and accelerate the State's goal of achieving universal access to reliable, high-quality, affordable broadband. It is the intent of the General Assembly that an additional \$50,000,000 be provided for statewide connectivity in fiscal year 2023 through fiscal year 2025 from this source or other State or federal funds that may become available.

(2) \$1,800,000 is appropriated in fiscal year 2021 to the E-911 Board for replace revenues anticipated to be available in the E-911 special fund. Half of this appropriation is intended to carryforward to fiscal year 2022.

Sec. G. 501 STATE TECHNOLOGY MODERNIZATION INVESTMENTS

(a) \$52,000,000 in fiscal year 2022 from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$24,500,000 to the Department of Motor Vehicles to complete the first phase of the DMV IT system replacement of the 40-year-old mainframe applications.

(2) \$1,100,000 to the Department of Environmental Conservation for the second phase of the permit navigator - citizen facing permit portal.

(3) \$500,000 to Natural Resources Board for Act 250 scanning project – digitize land use records.

(4) \$12,800,000 to 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.

(5) \$1,500,000 to Agency of Digital Services cybersecurity – core infrastructure replacement and router replacements for public safety connections to the municipalities.

(6) \$1,000,000 to Agency of Commerce and Community Development (ACCD) for Salesforce grant management system – transitioning ACCD from an unwieldy grants program to a centralized grants system.

(7) \$1,700,000 to States' Attorneys and Sheriffs (SAS) for case management system - needed upgrade to SAS case management software;

(8) \$140,000 to the Defender General to complete a case management system upgrade.

(9) \$250,000 to the Secretary of State for completion of the Vermont Business Portal to provide digital access for Vermont-based businesses to at least four State agencies.

(10) \$4,500,000 to the Vermont Department of Labor (VDOL), of which \$3,500,000 is allocated for phase one of the UI modernization to begin replacement of mainframe applications for unemployment insurance and \$1,000,000 is allocated for the Joblink replacement to coordinate activities between ACCD and VDOL to better serve Vermonters. These funds shall be released only after approval of the Joint Information Technology Oversight Committee (JITOC). The JITOC is requested to review the breadth of scope, appropriateness of the proposed technology, experience record of the proposed vendor, reliability of the cost estimate, availability of dedicated department personnel for implementation and operation, and the proposed schedule and scope of future phases, where appropriate. The JITOC evaluation shall consider information provided by the Agency of Digital Services and any outside technical review or resource.

(11) \$4,010,000 to the Agency of Education for data systems related to licensing management, dual enrollment vouchers, and adult education and literacy programs.

(b) \$14,000,000 is appropriated from the General Fund in fiscal year 2022 as follows:

(1) \$4,500,000 to the Department for Children and Families for Bright Futures Information System replacement, and

(2) \$9,500,000 to Agency of Human Services IE project - Integrated Eligibility replaces Access.

* * * Weatherization and Other Climate Change Mitigation Investments * * *

Sec. G.600 CLIMATE ACTION INVESTMENTS

(a) \$31,000,000 in fiscal year 2022 is appropriated from ARPA - Coronavirus State Fiscal Relief Funds to be appropriated consistent with the Energy Savings Fund criteria established in 30 V.S.A. § 35, as follows:

(1) \$4,000,000 to the Department for Children and Families, Office of Economic Opportunity, Home Weatherization Assistance Program to be used in fiscal year 2022 and fiscal year 2023. Up to \$150,000 of these funds may be used for vermiculite remediation and home repair as part of home weatherization.

(2) \$9,000,000 to the Agency of Administration to grant to the Vermont Housing Finance Agency for financial support of housing weatherization statewide. On or before January 31, 2022 and thereafter upon request from a legislative committee, the Vermont Housing Finance Agency shall issue a report to the General Assembly detailing the programs to which funds appropriated under this subdivision were provided. The report shall include the results of its investigations into on-bill to-the-meter billing and other methods to provide weatherization financing.

(3) \$5,000,000 to the Department of Public Service to grant to the Efficiency Vermont for the purpose of weatherization incentives. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, 2023.

(4) \$2,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of workforce development initiatives and to support the expansion of Neighborworks of Western Vermont's Heat Squad program. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, 2023.

(5) \$9,000,000 to the Department of Public Service to be used on the Affordable Community-Scale Renewable Energy Program, consistent with parameters of the Clean Energy Development Fund, to support the creation of renewable energy projects for Vermonters with low-income.

(6) \$1,500,000 to the Department for Children and Families to grant to the Community Action Agencies, to be used through December 31, 2024, to support at least five Financial and Clean Energy Coaches to assist Vermonters with low and moderate income in comprehensive financial coaching, including budgeting, debt reduction, credit building, and asset development, with an emphasis on reducing their reliance on carbon fuel-based technologies, and to

support one statewide coordinator based at a Community Action Agency.

(7) \$500,000 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.

(b) It is the intent of the General Assembly that \$100,000,000 in funding be provided to support the implementation of the Vermont Climate Action Plan between fiscal year 2023 and fiscal year 2025 from this source or other State or federal funds that may become available.

* * * Clean Water Investments * * *

Sec. G.700 WATER AND SEWER INVESTMENTS

(a) \$115,000,000 in fiscal year 2022 is appropriated from ARPA - Coronavirus State Fiscal Relief Funds as follows:

(1) \$10,000,000 for Stormwater Retrofit Projects as follows:

(A) \$5,500,000 to the Department of Environmental Conservation to provide three-acre stormwater permitting design and construction support for entities subject to the Vermont 3- 9050 Stormwater General Permit and to provide design and construction for practices necessary to restore impaired waters subject to flow restoration plans.

(B) \$1,000,000 to the Department of Forests, Parks and Recreation to support compliance with the 3-acre stormwater rule.

(C) \$3,500,000 to the Agency of Transportation for the implementation of three-acre and flow restoration protection and clean water compliance expenditures for transportation infrastructure and to fund the municipal grants in aid program to address stormwater runoff from municipal roads.

(2) \$10,000,000 to the Department of Environmental Conservation to support wastewater projects and pretreatment activities as follows:

(A) \$8,000,000 to support the design and construction of up to 10 community-scale water or decentralized wastewater projects, or both, to support underserved designated centers.

(B) \$2,000,000 to provide financial assistance to municipalities, Vermont businesses, and nonprofit entities to install or enhance pretreatment processes to address high strength or toxic wastes that otherwise require treatment at municipal expense by publicly owned treatment facilities.

(3) \$10,000,000 to the Department of Environmental Conservation to assist municipalities to design and construct projects to reduce or eliminate wet weather sewer overflows.

(4) \$5,000,000 to the Department of Environmental Conservation to reduce risk to public safety and the environment associated with State-owned dams.

(5) \$5,000,000 to make repairs or improvements to water and wastewater systems in Vermont homes to be allocated as follows:

(A) \$750,000 to the Department of Housing and Community Development to provide financial assistance or incentives for water system and water efficiency improvements as part of housing rehabilitation projects.

(B) \$4,250,000 to the Department of Environmental Conversation as follows:

(i) \$1,000,000 to increase the funds available for loan forgiveness to replace failed residential on-site wastewater and water supply systems.

(ii) \$3,250,000 to provide financial assistance or loan forgiveness to mobile home parks to improve drinking water, wastewater, stormwater, and drainage systems.

(6) \$10,000,000 to the Department of Environmental Conservation for allocation by the Clean Water Board established under 10 V.S.A § 1389, as part of their budget process in fiscal year 2022.

(7) \$50,000,000 shall carry forward to be used as follows:

(A) \$20,000,000 for allocation by the Clean Water Board established under 10 V.S.A § 1389 as part of their budget process in fiscal year 2023 and 2024;

(B) \$30,000,000 for allocation in fiscal year 2023 and 2024 by the Department of Environmental Conservation for drinking water, sewer, and stormwater infrastructure projects, including dam safety improvements and CSO abatement. The Department shall provide the General Assembly a list of the projects allocated for funding during the annual budget development process for fiscal years 2023 and 2024.

(8) \$15,000,000 to be used to the extent capital funds have been appropriated to projects supporting water and sewer infrastructure in fiscal year 2022 and capital appropriations can be offset for reuse for future capital construction projects in the fiscal years 2022 – 2023 capital budget adjustment process. On or before December 15, 2021, the Commissioner of Finance and Management shall review and recommend water and sewer infrastructure

projects funded in fiscal year 2022 that could be funded with ARPA funds to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions and to the Governor for the fiscal years 2022–2023 capital budget adjustment report.

Sec. G.701 CLEAN WATER THREE YEAR REVENUE ALLOCATION
CHANGE

(a) In fiscal years 2022 through 2023, revenues from the meals and rooms taxes imposed under 32 V.S.A. chapter 225 shall be allocated by fiscal year notwithstanding 10 V.S.A. § 1388 (a)(4) and notwithstanding 32 V.S.A. § 435(b)(7) as follows:

(1) To the Clean Water Fund:

(A) Zero percent in fiscal year 2022.

(B) Two percent in fiscal year 2023.

(C) Four percent in fiscal year 2024.

(2) To the General Fund:

(A) Seventy-five percent in fiscal year 2022.

(B) Seventy-three percent in fiscal year 2023.

(C) Seventy-one percent in fiscal year 2024.

(b) It is the intent of the General Assembly that in fiscal year 2025 the allocation of meals and room taxes be allocated to the Clean Water Fund at six percent as specified in 10 V.S.A. § 1388(a)(4).

* * * Effective Dates * * *

Sec. H.100 EFFECTIVE DATES

(a) This section and Secs. B.1104 (fiscal year 2022 one-time transportation fund appropriations), C.100 through C.109 (fiscal year 2021 one-time appropriations, adjustment and amendments), E.234 (building efficiency goals), E.234.1 (Home Weatherization Assistance Program), E.234.2 (Public Utility Commission proceeding), E.234.3 (development of weatherization workforce and counseling services; reports), E.234.4 (Energy Saving Fund), F.112 (onetime salary payments authorized), G.300(a)(2) (workforce investments), G.400 (b)(1) (housing and homelessness related investments), and G.500 (a)(2)(E 911 funds) shall take effect upon passage.

(b) Sec. E.306.1 (Vermont Health Benefit Exchange) shall take effect on October 1, 2021.

(c) All remaining sections shall take effect on July 1, 2021.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Hooper of Montpelier** 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. Hooper of Montpelier
Rep. Fagan of Rutland City
Rep. Jessup of Middlesex

Third Reading; Bill Passed

H. 443

House bill, entitled

An act relating to approval of the merger of the Wilmington Water District with the Town of Wilmington

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

**Third Readings; Bills Passed in Concurrence
With Proposals of Amendment**

Senate bills of the following titles were severally taken up, read the third time, and passed in concurrence with proposals of amendment:

S. 16

Senate bill, entitled

An act relating to the creation of the Task Force on School Exclusionary Discipline Reform

S. 20

Senate bill, entitled

An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products

S. 124

Senate bill, entitled

An act relating to miscellaneous utility subjects

House Resolution Adopted

H.R. 10

House resolution, entitled