

# House Calendar

Friday, May 29, 2020

144th DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 A.M.

## TABLE OF CONTENTS

Page No.

### ACTION CALENDAR

#### Unfinished Business of Tuesday, March 24 2020

##### Third Reading

<b>H. 833</b> The interbasin transfer of surface waters.....	3762
<b>Favorable with Amendment</b>	
<b>H. 99</b> Trade in covered animal parts or products.....	3762
Rep. McCullough for Natural Resources, Fish, and Wildlife	
<b>H. 880</b> Abenaki place names on State park signs.....	3767
Rep. Howard for General, Housing, and Military Affairs	

#### Unfinished Business of Wednesday, March 25 2020

##### Committee Bill for Second Reading

<b>H. 940</b> Animal cruelty investigation response and training.....	3767
Rep. Bartholomew for Agriculture and Forestry	
<b>Favorable with Amendment</b>	
<b>H. 581</b> The funding of the Department of Fish and Wildlife.....	3768
Rep. Squirrell for Natural Resources, Fish, and Wildlife	

#### Unfinished Business of Wednesday, May 20, 2020

##### Favorable with Amendment

<b>H. 783</b> An act relating to recovery residences.....	3770
Rep. Killacky for General, Housing, and Military Affairs	
Rep. Redmond for Human Services.....	3775
Rep. Killacky Amendment.....	3775

#### Unfinished Business of Tuesday, May 26, 2020

##### Favorable with Amendment

<b>H. 716</b> Abenaki hunting and fishing licenses.....	3776
Rep. Lefebvre for Natural Resources, Fish, and Wildlife	
Rep. Kornheiser for Ways and Means.....	3777
Rep. Brennan Amendment.....	3777
Rep. Helm Amendment.....	3778

**Action Postponed Until June 3, 2020**

**Favorable with Amendment**

**H. 162** Removal of buprenorphine from the misdemeanor crime of possession of a narcotic.....3779  
**H. 492** Establishing a homeless bill of rights and prohibiting discrimination against people without homes..... 3779  
**H. 535** Approval of amendments to the charter of the Town of Brattleboro ..... 3779  
**H. 923** Entering a vehicle without legal authority or consent..... 3779

**NEW BUSINESS**

**Third Reading**

**H. 942** The Transportation Program and miscellaneous changes to laws related to transportation.....3779  
**H. 956** Miscellaneous amendments to alcoholic beverage laws..... 3779  
**S. 283** An act relating to the Town of Hartford’s tax increment financing district..... 3779

**NOTICE CALENDAR**

**Committee Bill for Second Reading**

**H. 959** Education property tax..... 3780  
Rep. Beck for Ways and Means

**Favorable with Amendment**

**H. 611** The Older Vermonters Act..... 3780  
Rep. Wood for Human Services  
Rep. Lanpher for Appropriations..... 3793  
**H. 943** Approval of amendments to the charter of the City of St. Albans.. 3794  
Rep. Brownell for Government Operations  
Rep. Brennan for Ways and Means..... 3794  
**H. 946** Approval of the adoption of the charter of the Town of Elmore.... 3794  
Rep. Mrowicki for Government Operations  
Rep. Donovan for Ways and Means..... 3794

**Favorable**

**S. 347** An act relating to suspension of time frames for civil license suspension hearings for certain DUI offenses..... 3794  
Rep. Christie for Judiciary

**Senate Proposal of Amendment**

**H. 951** Municipal emergency statewide education property to borrowing program..... 3795  
**H. 953** Fiscal year 2020 supplemental budget adjustments.....3797

---

---

**ORDERS OF THE DAY**

---

---

**ACTION CALENDAR**

**Unfinished Business of Tuesday, March 24 2020**

**Third Reading**

**H. 833**

An act relating to the interbasin transfer of surface waters

**Favorable with Amendment**

**H. 99**

An act relating to trade in covered animal parts or products

**Rep. McCullough of Williston**, for the Committee on Natural Resources, Fish, and Wildlife, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. part 4, chapter 124 is added to read:

CHAPTER 124. TRADE IN COVERED ANIMAL PARTS OR PRODUCTS

§ 5501. DEFINITIONS

As used in this chapter:

(1) “Bona fide educational or scientific institution” means an institution that establishes through documentation that it is a tax-exempt institution under the Internal Revenue Service’s educational or scientific tax exemption.

(2) “Covered animal” means any species of:

- (A) Cheetah (Acinonyx jubatus);
- (B) Elephant (family Elephantidae);
- (C) Giraffe (Giraffa camelopardalis) ;
- (D) Hippopotamus (family Hippopotamidae);
- (E) Jaguar (Panthera onca);
- (F) Leopard (Panthera pardus);
- (G) Lion (Panthera leo);
- (H) Mammoth (genus Mammuthus);
- (I) Mastodon (genus Mammut),
- (J) Pangolin (family Manidae);

(K) Endangered ray, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

(L) Rhinoceros (family Rhinocerotidae);

(M) Sea turtle (family Chelonioidea);

(N) Endangered shark, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

(O) Tiger (Panthera tigris);

(P) Whale (families Balaenidae, Balaenopteridae, Cetotheriidae, Eschrichtiidae, Monodontidae, Physeteridae, Kogiidae, and Ziphiidae); or

(Q) The following primates: gorillas, bonobos, orangutans, gibbons, or chimpanzees.

(3) “Commissioner” means the Commissioner of Fish and Wildlife.

(4) “Covered animal part or product” means any item that contains, or is wholly or partially made from, a covered animal, including the meat or flesh of a covered animal sold as food.

(5) “Firearm” has the same meaning as in 13 V.S.A. § 4016(a)(3).

(6) “Sale” or “sell” means any act of selling, trading, or bartering for monetary or nonmonetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction. “Sale” or “sell” shall not include a nonmonetary transfer of ownership by way of gift, donation, or bequest.

(7) “Secretary” means the Secretary of Natural Resources.

(8) “Total value” means either the fair market value or the actual price paid for a covered animal part or product, whichever is greater.

#### § 5502. PROHIBITION

Except as provided in this chapter, notwithstanding any other provision of law to the contrary, a person shall not purchase, sell, offer for sale, or possess with intent to sell any item that the person knows or should know is a covered animal part or product.

#### § 5503. EXCEPTIONS

(a) The prohibition on the purchase, sale, offer for sale, or possession with intent to sell set forth in section 5502 of this title shall not apply:

(1) to employees or agents of the federal or State government undertaking any law enforcement activities pursuant to federal or State law or

any mandatory duties required by federal or State law;

(2) when the activity is expressly authorized by federal law;

(3) when the covered animal part or product is a fixed component of an antique that is not made wholly or partially from the covered animal part or product, provided that:

(A) the antique status is established by the owner or seller of the covered animal part or product with documentation providing evidence of the provenance of the covered animal part or product and showing the covered animal part or product to be not less than 100 years old; and

(B) the total weight of the covered animal part or product is less than 200 grams;

(4) when the covered animal part or product is a fixed component of a firearm; knife; or musical instrument, including string instruments and bows, wind and percussion instruments, and pianos, provided that the covered animal part or product was legally acquired and provided that the total weight of the covered animal part or product is less than 200 grams; or

(5) the activity is authorized under section 5504 of this title.

(b) Documentation evidencing reasonable provenance or the age of a covered animal part or product that may be purchased, sold, offered for sale, or possessed under subsection (a) of this section may include receipts of purchase, invoices, bills of sale, prior appraisals, auction catalogues, museum or art gallery exhibit catalogues, and the signed certification of an antique appraiser to the age of the covered animal part. The issuance of a false or fraudulent certification of the age of a covered animal part or product shall be subject to penalty under section 5506 of this title.

#### § 5504. EDUCATIONAL OR SCIENTIFIC USE

The Secretary may permit, under terms and conditions as the Secretary may require, the purchase, sale, offer for sale, or possession with intent to sell of any covered animal part or product for educational or scientific purposes by a bona fide educational or scientific institution unless the activity is prohibited by federal law, and provided that the covered animal part or product was legally acquired.

#### § 5505. PRESUMPTION OF POSSESSION WITH INTENT TO SELL

There shall be a rebuttable presumption that a person possesses a covered animal part or product with intent to sell when the part or product is possessed by a retail or wholesale establishment or other forum engaged in the business of buying or selling similar items. This rebuttable presumption shall not

preclude a court from finding intent to sell a covered animal part or product based on any other evidence that may serve to independently establish intent.

§ 5506. ADMINISTRATIVE PENALTIES; REFERRAL FOR CRIMINAL ENFORCEMENT

(a) The Secretary may assess the following administrative penalties for a violation of a provision of this chapter:

(1) For a first offense, a person shall be assessed an administrative penalty of not more than \$1,000.00 nor less than \$400.00.

(2) For a second offense or subsequent offense, a person shall be assessed an administrative penalty of not more than \$4,000.00 nor less than \$2,000.00.

(b) Instead of bringing an environmental enforcement action for a violation of this chapter or rules adopted under this chapter, the Secretary may refer a violation of this chapter to the Commissioner of Fish and Wildlife for criminal enforcement under section 4518 of this title.

§ 5507. SEIZURE.

A person convicted of violating a provision of this chapter shall forfeit to the Secretary the covered animal part or product that is the subject of the violation. The Secretary may:

(1) authorize that the covered animal part or product be maintained for educational or training purposes;

(2) authorize that the covered animal part or product be donated to a bona fide educational or scientific institution; or

(3) require that the covered animal part or product be destroyed.

§ 5508. RULES

The Secretary may adopt rules necessary to implement the requirements of this chapter.

Sec. 2. 10 V.S.A. § 4518 is amended to read:

§ 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED SPECIES; SUSPENSION; VIOLATIONS

Whoever violates a provision of this part or orders or rules of the Board relating to taking, possessing, transporting, buying, or selling of big game or, relating to threatened or endangered species, or relating to the trade in covered animal parts or products shall be fined not more than \$1,000.00 nor less than

\$400.00 or imprisoned for not more than 60 days, or both. Upon a second and all subsequent convictions or any conviction while under license suspension related to the requirements of part 4 of this title, the violator shall be fined not more than \$4,000.00 nor less than \$2,000.00 or imprisoned for not more than 60 days, or both.

Sec. 3. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes, and the Board may take such action with respect to subdivision (10) of this subsection:

\* \* \*

(27) 10 V.S.A. chapter 123, relating to threatened and endangered species;

\* \* \*

(29) 10 V.S.A. § 1420, relating to abandoned vessels; and

(30) 3 V.S.A. § 2810, relating to interim environmental media standards; and

(31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts or products.

Sec. 4. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

\* \* \*

(V) chapter 124 (trade in covered animal parts or products).

\* \* \*

Sec. 5. EFFECTIVE DATE

This act shall take effect on January 1, 2022.

**( Committee Vote: 7-4-0)**

## H. 880

An act relating to Abenaki place names on State park signs

**Rep. Howard of Rutland City**, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 2613 is added to read:

### § 2613. ABENAKI PLACE NAMES IN STATE PARKS

(a) The Commissioner, before installing new signs or replacing existing signs in a State park, shall consult with the Vermont Commission on Native American Affairs to determine if there is an Abenaki name for any site within the park. If the Commission on Native American Affairs advises the Commissioner of an Abenaki name, the Abenaki name shall be displayed with the English name.

(b) On or before July 1, 2025, all existing signs in State parks with Abenaki names shall be replaced to include the Abenaki name.

(c) The Commissioner shall adopt rules establishing a procedure for selecting spelling of the place name if there are multiple spellings provided by the Commission on Native American Affairs.

### Sec. 2. LIST OF PLACES WITH ABENAKI NAMES

On or before January 15, 2021, the Vermont Commission on Native American Affairs shall prepare a list of places and landmarks with Abenaki names. The list shall state if there are multiple names or spelling variations for a place. The Commission shall present the list to the Commissioner of Forests, Parks and Recreation in order to facilitate the construction of signs as required under 10 V.S.A. § 2613. The Commission shall also determine if there are sites outside of State parks with Abenaki names that require new signs.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

**( Committee Vote: 10-0-1)**

**Unfinished Business of Wednesday, March 25 2020  
Committee Bill for Second Reading**

## H. 940

An act relating to animal cruelty investigation response and training.

**(Rep. Bartholomew of Hartland** will speak for the Committee on Agriculture and Forestry.)



## Favorable with Amendment

### H. 581

An act relating to the funding of the Department of Fish and Wildlife

**Rep. Squirrell of Underhill**, for the Committee on Natural Resources, Fish, and Wildlife, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. VERMONT WORKING GROUP ON WILDLIFE FUNDING;

#### REPORT

(a) Findings. The General Assembly finds that:

(1) It is the policy of the State that the Commissioner of Fish and Wildlife is required to safeguard the fish, wildlife, and fur-bearing animals of the State for all of the people of the State.

(2) The duties and responsibilities of the Department have grown since the days of focusing primarily on deer herd management and now include management of all wildlife species, including game and non-game; law enforcement; monitoring and restoring threatened and endangered species; habitat conservation; technical assistance; regulatory review; educational programs for hunters, youths, and teachers; public license sales; and management of grants issued or received by the Department.

(3) Since 1985, resident hunting license sales have decreased by 56 percent, resident trapping license sales have decreased by 51 percent, and resident fishing license sales have decreased by 25 percent.

(4) As a result of declining license and fee revenue, the General Assembly has increased and may need to further increase the amount of General Fund dollars annually appropriated to the Department of Fish and Wildlife.

(5) The need for increased funding of the Department will be heightened by the increased research, monitoring, and interventions required by new, contemporary, and well-documented challenges to all wildlife in Vermont, such as climate change, pollution, invasive species, and habitat degradation.

(6) To address declining license and permit fee revenue, the State must find stable, long-term revenue sources to pay for the costs of the Department of Fish and Wildlife conserving and managing fish, wildlife, and fur-bearing animals of the State and the natural systems upon which they depend for all of the people of the State.

(b) Creation of Working Group. Based on the findings set forth in subsection (a) of this section, there is created the Vermont Working Group on Wildlife Funding to identify potential sources of revenue to fund the Department of Fish and Wildlife for the next 20 years.

(c) Membership. The Vermont Working Group on Wildlife Funding shall be composed of the following members:

(1) three current members of the House of Representatives, who shall be appointed by the Speaker of the House and who shall include:

(A) the Chair of the Committee on Natural Resources, Fish, and Wildlife or designee;

(B) the Chair of the Committee on Appropriations or designee; and

(C) the Chair of the Committee on Government Operations or designee; and

(2) three current members of the Senate, who shall be appointed by the Committee on Committees and who shall include:

(A) the Chair of the Committee on Natural Resources and Energy or designee;

(B) the Chair of the Committee on Appropriations or designee; and

(C) a member of the Senate at large.

(d) Powers and duties. The Vermont Working Group on Wildlife Funding shall review and analyze the funding, management, and policies of the Department of Fish and Wildlife (Department) under statute and rule, and shall:

(1) Assess how the principles and priorities for the conservation and management of fish, wildlife, and fur-bearing animals and the natural systems upon which they depend will impact sources and amounts of funding needed by the Department for the next 20 years. The assessment shall:

(A) address the stability of all current Department funding streams going forward;

(B) estimate revenues and identify new and existing revenue sources and other resources needed for new and additional programs at the Department; and

(C) consider equitability when evaluating potential revenue sources.

(2) Recommend how the Department can create and maintain stable and adequate funding for the next 20 years.

(e) Assistance. The Vermont Working Group on Wildlife Funding shall have the administrative, technical, and legal assistance of the Office of Legislative Council. The Working Group shall have the assistance of the Joint Fiscal Office on fiscal issues and the assistance of the Department of Fish and Wildlife on issues related to the jurisdiction of the Department.

(f) Report. On or before January 1, 2021, the Vermont Working Group on Wildlife Funding shall report to the House Committees on Natural Resources, Fish, and Wildlife, on Appropriations, and on Government Operations and the Senate Committees on Natural Resources and Energy, on Appropriations, and on Government Operations with its findings and any recommendations for legislative action.

(g) Meetings.

(1) The Office of Legislative Council shall call the first meeting of the Vermont Working Group on Wildlife Funding to occur on or before July 1, 2020.

(2) The Vermont Working Group on Wildlife Funding shall select a chair from among its members at the first meeting.

(3) A majority of the membership of the Vermont Working Group on Wildlife Funding shall constitute a quorum.

(4) The Vermont Working Group on Wildlife Funding shall cease to exist on February 1, 2021.

(h) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, a legislative member of the Vermont Working Group on Wildlife Funding serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than 10 meetings. These payments shall be made from monies appropriated to the General Assembly.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

**( Committee Vote: 8-0-2)**

**Unfinished Business of May 20, 2020**

**Favorable with Amendment**

**H. 783**

An act relating to recovery residences

**Rep. Killacky of South Burlington**, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended by striking all

after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that any exceptions made to existing landlord and tenant relationships in this act are limited solely to recovery residences operating pursuant to this act. These exceptions are intended to enable the expansion of recovery residences throughout the State and ensure their accessibility to individuals recovering from a substance use disorder.

Sec. 2. 18 V.S.A. § 4812 is added to read:

§ 4812. RECOVERY RESIDENCES

(a) Definition.

(1) As used in this section, “recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:

(A) Provides residents with peer support, an environment that prohibits the use of alcohol and the illegal use of prescription drugs or other illegal substances, and provides assistance accessing support services and community resources available to persons recovering from substance use disorder; and

(B) Is certified by an organization that is a Vermont affiliate of the National Alliance for Recovery Residences and adheres to the national standards established by the Alliance or its successor in interest. If there is no successor in interest, the Department of Health shall designate a certifying organization to uphold appropriate standards for recovery housing.

(2) As used in this section, “the illegal use of prescription drugs” refers to the use of prescription drugs by a person who does not hold a valid prescription for that drug or in an amount that exceeds the dosing instructions.

(b) Voluntary arrangement. The decision to live in a recovery residence shall be voluntary and shall not be required or mandated by any private or public entity or individual.

(c) Terms of residency; compliance.

(1) Landlord and tenant relationship. A recovery residence and a resident have a landlord and tenant relationship that is subject to 9 V.S.A. chapter 137, except as otherwise provided in subdivisions (3)–(4) of this subsection.

(2) Residential rental agreement.

(A) A recovery residence and a resident shall execute a written rental agreement that includes:

(i) the policies and procedures governing the tenancy;

(ii) a statement that the recovery residence and the resident will comply with the policies and procedures;

(iii) the consequences of noncompliance;

(iv) the identification of a verified location where the resident may be housed in the event of temporary removal;

(v) payment requirements;

(vi) notice requirements and procedure for terminating the tenancy;

(vii) the contact information for a resident's probation or parole officer, if the resident is on furlough or parole from the Department of Corrections; and

(viii) any other provisions to which the parties agree.

(B) The parties may amend a rental agreement in a written record signed by the parties.

(C) A resident may have a support person present when negotiating and executing a rental agreement or amendment.

(3) Temporary removal.

(A) A recovery residence shall adopt policies and procedures that govern the temporary removal of a resident who uses alcohol or illegal substances, engages in the illegal use of prescription drugs, or engages in violent, sexually harassing, or threatening behavior, consistent with the following:

(i) A recovery residence shall:

(I) provide written notice of the reason for temporary removal and of the actions the resident must take to avoid temporary removal or to be readmitted after temporary removal;

(II) design and implement harm reduction strategies for a resident who is temporarily removed, which may include providing naloxone to the resident upon temporary removal or other strategies more appropriate to the resident's recovery needs; and

(III) take action that is consistent with the resident's most recent reoccurrence agreement to the extent possible.

(ii) A recovery residence shall not temporarily remove a resident based solely on the resident's use of medication in conjunction with medication-assisted treatment, as defined in section 4750 of this title.

(B) Notwithstanding 9 V.S.A. §§ 4463 and 4464, a recovery residence that complies with the policies and procedures adopted pursuant to this subdivision (c)(3) may temporarily deny a resident access to the recovery residence and to his or her property within the residence.

(4) Termination of tenancy.

(A) A recovery residence shall adopt policies and procedures that govern the termination of tenancy of a resident who violates one or more provisions of the rental agreement, consistent with the following:

(i) A recovery residence shall:

(I) provide written notice of its intent to terminate the tenancy that includes the reason for termination and the actions the resident must take to avoid removal;

(II) design and implement harm reduction strategies for a resident whose tenancy is terminated, which may include providing naloxone to the resident upon removal or other strategies more appropriate to the resident's recovery needs; and

(III) adopt a review process under which:

(aa) a person other than the original decision maker or a subordinate of the original decision maker, which may include a Vermont affiliate of the National Alliance for Recovery Residences, reviews the decision to terminate the tenancy;

(bb) the resident has a meaningful opportunity to present evidence why the resident should not be removed; and

(cc) the resident receives prompt written notice of a final decision.

(ii) A recovery residence shall not:

(I) terminate a tenancy because a resident uses alcohol or illegal substances, or engages in the illegal use of prescription drugs, unless:

(aa) the resident fails to take the actions required to avoid temporary removal or to be readmitted after temporary removal; and

(bb) the recovery residence has contemporary drug test results verified by a laboratory approved by the State; or

(II) terminate a tenancy based solely on the resident's use of medication in conjunction with medication-assisted treatment, as defined in section 4750 of this title.

(B) Notwithstanding 9 V.S.A. §§ 4467 and 4468, a recovery residence that complies with the policies and procedures adopted pursuant to this subdivision (c)(5) may terminate the tenancy of a resident pursuant to the notice requirements and procedure for terminating the tenancy provided in the rental agreement.

(d) Drug testing. A recovery residence shall adopt policies and procedures that govern drug testing of residents and shall apply the policies and testing procedures fairly among residents.

(e) Future services. A recovery residence shall not deny future services to a resident who has been either temporarily removed from a recovery residence or whose tenancy has been terminated, based solely on the resident's use of alcohol or illegal substances or the illegal use of prescription drugs.

Sec. 3. 24 V.S.A. § 4412 is amended to read:

#### § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(1) Equal treatment of housing and required provisions for affordable housing.

\* \* \*

(G) A residential care home or group home to be operated under State licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, and a recovery residence as defined in 18 V.S.A. § 4812, serving not more than eight persons, shall be considered by right to constitute a permitted single-family residential use of property. This subdivision (G) does not require a municipality to allow a greater number of residential care homes or group homes on a lot than the number of single-family dwellings allowed on the lot.

\* \* \*

#### Sec. 4. REPORT; RECOVERY RESIDENCE; FURLOUGH

On or before January 1, 2021 and annually thereafter through January 1, 2024, the Department of Corrections shall submit a report to the House Committees on General, Housing, and Military Affairs, on Corrections and Institutions, and on Human Services and to the Senate Committees on

Economic Development, on Health and Welfare, and on Judiciary containing the number of individuals on furlough who reside in recovery residences as defined in 18 V.S.A. § 4812 and the number of individuals who have violated the conditions of their furlough and were removed from their recovery residence and returned to prison.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

**( Committee Vote:8-1-2 )**

**Rep. Redmond of Essex**, for the Committee on Human Services, recommends 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 Sec. 2, 18 V.S.A. § 4812, in subdivision (a)(1)(A), by striking out “available to persons recovering from substance use disorder;” and inserting in lieu thereof “.”

Second: In Sec. 2, 18 V.S.A. § 4812, in subsection (c), by striking out subdivision (3)(A)(ii) in its entirety and inserting a new subdivision (3)(A)(ii) to read as follows:

(ii) A recovery residence shall not temporarily remove a resident based on the resident receiving medication-assisted treatment, as defined in section 4750 of this title.

Third: In Sec. 2, 18 V.S.A. § 4812, in subsection (c), by striking out subdivision (4)(A)(ii)(II) in its entirety and inserting a new subdivision (4)(A)(ii)(II) to read as follows:

(II) terminate a tenancy based on the resident receiving medication-assisted treatment, as defined in section 4750 of this title.

Fourth: In Sec. 4, report; recovery residence; furlough, after “Senate Committees on Economic Development” by inserting “, Housing and General Affairs”

**( Committee Vote: 9-0-2)**

**Amendment to be offered by Rep. Killacky of South Burlington to the recommendation of amendment of the Committee on General, Housing, and Military Affairs as further amended as recommended by the Committee on Human Services to H. 783**

First: In Sec. 2, 18 V.S.A. § 4812, in subsection (a), by striking out subdivision (1)(B) in its entirety and inserting in lieu thereof a new subdivision (1)(B) to read as follows:

(B) Is certified by an organization that is a Vermont affiliate of the



National Alliance for Recovery Residences or obtains a preliminary certification within 45 days of operation and adheres to the national standards established by the Alliance or its successor in interest. If there is no successor in interest, the Department of Health shall designate a certifying organization to uphold appropriate standards for recovery housing.

Second: In Sec. 2, 18 V.S.A. § 4812, in subsection (c), by striking out subdivision (3)(B) in its entirety and inserting in lieu thereof a new subdivision (3)(B) to read as follows:

(B) Notwithstanding 9 V.S.A. §§ 4463 and 4464, a recovery residence that complies with the policies and procedures adopted pursuant to this subdivision (c)(3) may temporarily deny a resident access to the recovery residence, but shall return to the resident his or her property or ensure its safekeeping.

**Unfinished Business of May 26, 2020**  
**Favorable with Amendment**  
**H. 716**

An act relating to Abenaki hunting and fishing licenses

**Rep. Lefebvre of Newark**, for the Committee on Natural Resources; Fish; and Wildlife, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 4255 is amended to read:

§ 4255. LICENSE FEES

\* \* \*

(c) A permanent or free license may be secured on application to the Department by a person qualifying as follows:

\* \* \*

(7) A person who is a certified citizen of one of the State-recognized Native American Indian tribes may receive a free permanent combination hunting and fishing license upon submission of a current and valid tribal identification card or if the person is a minor, upon written certification from the minor's parent or guardian that the minor is a citizen of the State-recognized Native American Indian tribes.

\* \* \*

Sec. 2. REPORT

On or before January 15, 2022, the Commissioner of Fish and Wildlife shall

report to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy the number of licenses issued pursuant to 10 V.S.A. § 4255(c)(7).

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

**( Committee Vote: 10-1-0)**

**Rep. Kornheiser of Brattleboro**, for the Committee on Ways and Means, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 4255 is amended to read:

§ 4255. LICENSE FEES

\* \* \*

(c) A permanent or free license may be secured on application to the Department by a person qualifying as follows:

\* \* \*

(7) A certified citizen of a Native American Indian tribe that has been recognized by the State pursuant to 1 V.S.A. chapter 23 may receive a free permanent fishing license or, if the person qualifies for a hunting license, a free permanent combination hunting and fishing license upon submission of a current and valid tribal identification card.

\* \* \*

Sec. 2. REPORT

On or before January 15, 2024, the Commissioner of Fish and Wildlife shall report to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy the number of licenses issued pursuant to 10 V.S.A. § 4255(c)(7).

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2021.

**( Committee Vote: 10-1-0)**

**Amendment to be offered by Rep. Brennan of Colchester to H. 716**

Rep. Brennan of Colchester moves that the bill be amended in Sec. 1, 10 V.S.A. § 4255, by striking the section in its entirety and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 4255 is amended to read:

§ 4255. LICENSE FEES

\* \* \*

(c) A permanent or free license may be secured on application to the Department by a person qualifying as follows:

\* \* \*

(7) A Vermont resident who is a certified citizen of a Native American Indian tribe that has been recognized by the State pursuant to 1 V.S.A. chapter 23 may receive a free permanent fishing license or, if the person qualifies for a hunting license, a free permanent combination hunting and fishing license upon submission of a current and valid tribal identification card.

\* \* \*

**Amendment to be offered by Rep. Helm of New Haven to H. 716**

Rep. Helm of New Haven moves that the bill be amended in Sec. 3, EFFECTIVE DATE, by striking it in its entirety and inserting in lieu thereof the following:

Sec. 3. 10 V.S.A. § 4049 is amended to read:

§ 4049. FISH AND WILDLIFE TRUST FUND

(a) The General Assembly recognizes the importance to the people of Vermont of conserving Vermont's fish and wildlife resources. Therefore, in order to provide the opportunity for Vermonters to invest in the future of its fish and wildlife resources, there is hereby created a Fish and Wildlife Trust Fund within the Fish and Wildlife Fund which shall consist of:

(1) receipts from sales of any lifetime licenses created pursuant to subsection 4279(f) of this title;

(2) any gifts, grants, or contributions made to the Trust Fund;

(3) transfers from the Attorney General Complex Litigation Special Fund established pursuant to 3 V.S.A. § 167a in the amount of the previous year's revenue lost from the issuance of free permanent licenses pursuant to subsection § 4255(c)(7) of this title; and

(4) funds that may be appropriated by the General Assembly.

\* \* \*

Sec. 4. 3 V.S.A. § 167a is amended to read:

§ 167a. COMPLEX LITIGATION SPECIAL FUND

3778

(a) There is established the Complex Litigation Special Fund pursuant to 32 V.S.A. chapter 7, subchapter 5 to be available for expenditure by the Attorney General, as annually appropriated or authorized pursuant to 32 V.S.A. § 511~~7~~. The funds shall:

(1) be used to pay nonroutine expenses, not otherwise budgeted, incurred in the investigation, prosecution, and defense of complex civil and criminal litigation. These expenses may include, for example, costs incurred for expert witnesses and for support staff and technology needed to review and manage voluminous documents in discovery and at trial in complex cases;

(2) be transferred, on or before March 1 annually, to the Fish and Wildlife Trust Fund to replace revenue lost from the issuance of free permanent licenses pursuant to 10 V.S.A. § 4255(c)(7).

\* \* \*

**Action Postponed Until June 3, 2020  
Favorable with Amendment**

**H. 162**

An act relating to removal of buprenorphine from the misdemeanor crime of possession of a narcotic

**H. 492**

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

**H. 535**

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

**H. 923**

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

**NEW BUSINESS**

**Third Reading**

**H. 942**

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

**H. 956**

An act relating to miscellaneous amendments to alcoholic beverage laws

**S. 283**

An act relating to the Town of Hartford's tax increment financing district

**NOTICE CALENDAR**  
**Committee Bill for Second Reading**

**H. 959**

An act relating to education property tax.

(Rep. Beck of St. Johnsbury will speak for the Committee on Ways and Means.)

**Favorable with Amendment**

**H. 611**

An act relating to the Older Vermonters Act

**Rep. Wood of Waterbury**, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Older Vermonters Act \* \* \*

Sec. 1. 33 V.S.A. chapter 62 is added to read:

CHAPTER 62. OLDER VERMONTERS ACT

§ 6201. SHORT TITLE

This chapter may be cited as the “Older Vermonters Act.”

§ 6202. PRINCIPLES OF SYSTEM OF SERVICES, SUPPORTS, AND PROTECTIONS FOR OLDER VERMONTERS

The State of Vermont adopts the following principles for a comprehensive and coordinated system of services and supports for older Vermonters:

(1) Self-determination. Older Vermonters should be able to direct their own lives as they age so that aging is not something that merely happens to them but a process in which they actively participate. Whatever services, supports, and protections are offered, older Vermonters deserve dignity and respect and must be at the core of all decisions affecting their lives, with the opportunity to accept or refuse any offering.

(2) Safety and protection. Older Vermonters should be able to live in communities, whether urban or rural, that are safe and secure. Older Vermonters have the right to be free from abuse, neglect, and exploitation, including financial exploitation. As older Vermonters age, their civil and legal rights should be protected, even if their capacity is diminished. Safety and stability should be sought, balanced with their right to self-determination.

(3) Coordinated and efficient system of services. Older Vermonters should be able to benefit from a system of services, supports, and protections, including protective services, that is coordinated, equitable, and efficient; includes public and private cross-sector collaboration at the State, regional, and local levels; and avoids duplication while promoting choice, flexibility, and creativity. The system should be easy for individuals and families to access and navigate, including as it relates to major transitions in care.

(4) Financial security. Older Vermonters should be able to receive an adequate income and have the opportunity to maintain assets for a reasonable quality of life as they age. If older Vermonters want to work, they should be able to seek and maintain employment without fear of discrimination and with any needed accommodations. Older Vermonters should also be able to retire after a lifetime of work, if they so choose, without fear of poverty and isolation.

(5) Optimal health and wellness. Older Vermonters should have the opportunity to receive, without discrimination, optimal physical, dental, mental, emotional, and spiritual health through the end of their lives. Holistic options for health, exercise, counseling, and good nutrition should be both affordable and accessible. Access to coordinated, competent, and high-quality care should be provided at all levels and in all settings.

(6) Social connection and engagement. Older Vermonters should be free from isolation and loneliness, with affordable and accessible opportunities in their communities for social connectedness, including work, volunteering, lifelong learning, civic engagement, arts, culture, and broadband access and other technologies. Older Vermonters are critical to our local economies and their contributions should be valued by all.

(7) Housing, transportation, and community design. Vermont communities should be designed, zoned, and built to support the health, safety, and independence of older Vermonters, with affordable, accessible, appropriate, safe, and service-enriched housing, transportation, and community support options that allow them to age in a variety of settings along the continuum of care and that foster engagement in community life.

(8) Family caregiver support. Family caregivers are fundamental to supporting the health and well-being of older Vermonters, and their hard work and contributions should be respected, valued, and supported. Family caregivers of all ages should have affordable access to education, training, counseling, respite, and support that is both coordinated and efficient.

#### § 6203. DEFINITIONS

As used in this chapter:

(1) “Area agency on aging” means an organization designated by the State to develop and implement a comprehensive and coordinated system of services, supports, and protections for older Vermonters, family caregivers, and kinship caregivers within a defined planning and service area of the State.

(2) “Choices for Care program” means the Choices for Care program contained within Vermont’s Global Commitment to Health Section 1115 demonstration or a successor program.

(3) “Department” means the Department of Disabilities, Aging, and Independent Living.

(4) “Family caregiver” means an adult family member or other individual who is an informal provider of in-home and community care to an older Vermonter or to an individual with Alzheimer’s disease or a related disorder.

(5) “Greatest economic need” means the need resulting from an income level that is too low to meet basic needs for housing, food, transportation, and health care.

(6) “Greatest social need” means the need caused by noneconomic factors, including:

(A) physical and mental disabilities;

(B) language barriers; and

(C) cultural, social, or geographic isolation, including isolation caused by racial or ethnic status, sexual orientation, gender identity, or HIV status, that:

(i) restricts an individual’s ability to perform normal daily tasks; or

(ii) threatens the capacity of the individual to live independently.

(7) “Home- and community-based services” means long-term services and supports received in a home or community setting other than a nursing home pursuant to the Choices for Care component of Vermont’s Global Commitment to Health Section 1115 Medicaid demonstration or a successor program and includes home health and hospice services, assistive community care services, and enhanced residential care services.

(8) “Kinship caregiver” means an adult individual who has significant ties to a child or family, or both, and takes permanent or temporary care of a child because the current parent is unwilling or unable to do so.

(9) “Older Americans Act” means the federal law originally enacted in 1965 to facilitate a comprehensive and coordinated system of supports and services for older Americans and their caregivers.

(10) “Older Vermonters” means all individuals residing in this State who are 60 years of age or older.

(11)(A) “Self-neglect” means an adult’s inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks, including:

(i) obtaining essential food, clothing, shelter, and medical care;

(ii) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

(iii) managing one’s own financial affairs.

(B) The term “self-neglect” excludes individuals who make a conscious and voluntary choice not to provide for certain basic needs as a matter of lifestyle, personal preference, or religious belief and who understand the consequences of their decision.

(12) “Senior center” means a community facility that organizes, provides, or arranges for a broad spectrum of services for older Vermonters, including physical and mental health-related, social, nutritional, and educational services, and that provides facilities for use by older Vermonters to engage in recreational activities.

(13) “State Plan on Aging” means the plan required by the Older Americans Act that outlines the roles and responsibilities of the State and the area agencies on aging in administering and carrying out the Older Americans Act.

(14) “State Unit on Aging” means an agency within a state’s government that is directed to administer the Older Americans Act programs and to develop the State Plan on Aging in that state.

#### § 6204. DEPARTMENT OF DISABILITIES, AGING, AND

##### INDEPENDENT LIVING; DUTIES

(a) The Department of Disabilities, Aging, and Independent Living is Vermont’s designated State Unit on Aging.



(1) The Department shall administer all Older Americans Act programs in this State and shall develop and maintain the State Plan on Aging.

(2) The Department shall be the subject matter expert to guide decision making in State government for all programs, services, funding, initiatives, and other activities relating to or affecting older Vermonters, including:

(A) State-funded and federally funded long-term care services and supports;

(B) housing and transportation; and

(C) health care reform activities.

(3) The Department shall administer the Choices for Care program, which the Department shall do in coordination with efforts it undertakes in its role as the State Unit on Aging.

(b)(1) The Department shall coordinate strategies to incorporate the principles established in section 6202 of this chapter into all programs serving older Vermonters.

(2) The Department shall use both qualitative and quantitative data to monitor and evaluate the system's success in targeting services to individuals with the greatest economic and social need.

(c) The Department's Advisory Board established pursuant to section 505 of this title shall monitor the implementation and administration of the Older Vermonters Act established by this chapter.

#### § 6205. AREA AGENCIES ON AGING; DUTIES

(a) Consistent with the Older Americans Act and in consultation with local home- and community-based service providers, each area agency on aging shall:

(1) develop and implement a comprehensive and coordinated system of services, supports, and protections for older Vermonters, family caregivers, and kinship caregivers within the agency's designated service area;

(2) target services and supports to older Vermonters with the greatest economic and social need;

(3) perform regional needs assessments to identify existing resources and gaps;

(4) develop an area plan with goals, objectives, and performance measures, and a corresponding budget, and submit them to the State Unit on Aging for approval;

(5) concentrate resources, build community partnerships, and enter into cooperate agreements with agencies and organizations for delivery of services;

(6) designate community focal points for colocation of supports and services for older Vermonters; and

(7) conduct outreach activities to identify individuals eligible for assistance.

(b) In addition to the duties described in subsection (a) of this section, the area agencies on aging shall:

(1) promote the principles established in section 6202 of this chapter across the agencies' programs and shall collaborate with stakeholders to educate the public about the importance of each principle;

(2) promote collaboration with a network of service providers to provide a holistic approach to improving health outcomes for older Vermonters; and

(3) use their existing area plans to facilitate awareness of aging issues, needs, and services and to promote the system principles expressed in section 6202 of this chapter.

§ 6206. PLAN FOR COMPREHENSIVE AND COORDINATED SYSTEM  
OF SERVICES, SUPPORTS, AND PROTECTIONS

(a) At least once every four years, the Department of Disabilities, Aging, and Independent Living shall adopt a State Plan on Aging, as required by the Older Americans Act. The State Plan on Aging shall describe a comprehensive and coordinated system of services, supports, and protections for older Vermonters that is consistent with the principles set forth in section 6202 of this chapter and sets forth the nature, extent, allocation, anticipated funding, and timing of services for older Vermonters. The State Plan on Aging shall also include the following categories:

(1) priorities for continuation of existing programs and development of new programs;

(2) criteria for receiving services or funding;

(3) types of services provided; and

(4) a process for evaluating and assessing each program's success.

(b)(1) The Commissioner shall determine priorities for the State Plan on Aging based on:

(A) information obtained from older Vermonters, their families, and their guardians, if applicable, and from senior centers and service providers;

(B) a comprehensive needs assessment that includes:

(i) demographic information about Vermont residents, including older Vermonters, family caregivers, and kinship caregivers;

(ii) information about existing services used by older Vermonters, family caregivers, and kinship caregivers;

(iii) characteristics of unserved and underserved individuals and populations; and

(iv) the reasons for any gaps in service, including identifying variations in community needs and resources; and

(C) a comprehensive evaluation of the services available to older Vermonters across the State, including home- and community-based services, residential care homes, assisted living residences, nursing facilities, senior centers, and other settings in which care is or may later be provided.

(2) Following the determination of State Plan on Aging priorities, the Commissioner shall consider funds available to the Department in allocating resources.

(c) At least 60 days prior to adopting the proposed plan, the Commissioner shall submit a draft to the Department's Advisory Board established pursuant to section 505 of this title for advice and recommendations. The Advisory Board shall provide the Commissioner with written comments on the proposed plan.

(d) The Commissioner may make annual revisions to the plan as needed. The Commissioner shall submit any proposed revisions to the Department's Advisory Board for comment within the time frames established in subsection (c) of this section.

(e) On or before January 15 of each year, and notwithstanding the provisions of 2 V.S.A. § 20(d), the Department shall report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the Governor regarding:

(1) implementation of the plan;

(2) the extent to which the system principles set forth in section 6202 of this chapter are being achieved;

(3) based on both qualitative and quantitative data, the extent to which the system has been successful in targeting services to individuals with the greatest economic and social need;

(4) the sufficiency of the provider network and any workforce challenges affecting providers of care or services for older Vermonters; and

(5) the availability of affordable and accessible opportunities for older Vermonters to engage with their communities, such as social events, educational classes, civic meetings, health and exercise programs, and volunteer opportunities.

\* \* \* Adult Protective Services Program Reporting \* \* \*

Sec. 2. 33 V.S.A. § 6916 is added to read:

§ 6916. ANNUAL REPORT

On or before January 15 of each year, and notwithstanding the provisions of 2 V.S.A. § 20(d), the Department shall report to the House Committee on Human Services and the Senate Committee on Health and Welfare regarding the Department's adult protective services activities during the previous fiscal year, including:

(1) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that the Department's Adult Protective Services program received during the previous fiscal year and comparisons with the two prior fiscal years;

(2) the Adult Protective Services program's timeliness in responding to reports of abuse, neglect, or exploitation of a vulnerable adult during the previous fiscal year, including the median number of days it took the program to make a screening decision:

(3) the number of reports received during the previous fiscal year that required a field screen to determine vulnerability and the percentage of field screens that were completed within 10 calendar days;

(4) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that were received from a facility licensed by the Department's Division of Licensing and Protection during the previous fiscal year;

(5) the numbers and percentages of reports received during the previous fiscal year by each reporting method, including by telephone, e-mail, Internet, facsimile, and other means;

(6) the number of investigations opened during the previous fiscal year and comparisons with the two prior fiscal years;

(7) the number and percentage of investigations during the previous fiscal year in which the alleged victim was a resident of a facility licensed by the Department's Division of Licensing and Protection;

(8) data regarding the types of maltreatment experienced by alleged victims during the previous fiscal year, including:

(A) the percentage of investigations that involved multiple types of allegations of abuse, neglect, or exploitation, or a combination;

(B) the numbers and percentages of unsubstantiated investigations by type of maltreatment; and

(C) the numbers and percentages of recommended substantiations by type of maltreatment;

(9) the Department's timeliness in completing investigations during the previous fiscal year, including both unsubstantiated and recommended substantiated investigations;

(10) data on Adult Protective Services program investigator caseloads, including:

(A) average daily caseloads during the previous fiscal year and comparisons with the two prior fiscal years;

(B) average daily open investigations statewide during the previous fiscal year and comparisons with the two prior fiscal years;

(C) average numbers of completed investigations per investigator during the previous fiscal year; and

(D) average numbers of completed investigations per week during the previous fiscal year;

(11) the number of reviews of screening decisions not to investigate, including the number and percentage of these decisions that were upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(12) the number of reviews of investigations that resulted in an unsubstantiation, including the number and percentage of these unsubstantiations that were upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(13) the number of appeals of recommendations of substantiation that concluded with the Commissioner, including the number and percentage of these recommendations that the Commissioner upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(14) the number of appeals of recommendations of substantiation that concluded with the Human Services Board, including the numbers and percentages of these recommendations that the Board upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(15) the number of appeals of recommendations of substantiation that concluded with the Vermont Supreme Court, including the numbers and percentages of these recommendations that the Court upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(16) the number of expungement requests received during the previous fiscal year, including the number of requests that resulted in removal of an individual from the Adult Abuse Registry;

(17) the number of individuals placed on the Adult Abuse Registry during the previous fiscal year and comparisons with the two prior fiscal years; and

(18) the number of individuals removed from the Adult Abuse Registry during the previous fiscal year.

\* \* \* Vermont Action Plan for Aging Well; Development Process \* \* \*

### Sec. 3. VERMONT ACTION PLAN FOR AGING WELL; DEVELOPMENT PROCESS; REPORT

The Secretary of Administration, in collaboration with the Commissioners of Disabilities, Aging, and Independent Living and of Health, shall propose a process for developing the Vermont Action Plan for Aging Well to be implemented across State government, local government, the private sector, and philanthropies. The Vermont Action Plan for Aging Well shall provide strategies and cultivate partnerships for implementation across sectors to promote aging with health, choice, and dignity in order to establish and maintain an age-friendly State for all Vermonters. In crafting the proposed process, the Secretary shall engage a broad array of Vermonters with an interest in creating an age-friendly Vermont, including older Vermonters and their families, adults with disabilities and their families, local government officials, health care and other service providers, employers, community-based organizations, foundations, academic researchers, and other interested stakeholders. On or before January 15, 2021, the Secretary shall submit to the House Committee on Human Services and the Senate Committee on Health and Welfare the proposed process for developing the Vermont Action Plan for Aging Well, including action steps and an achievable timeline, as well as potential performance measures for use in evaluating the results of

implementing the Action Plan and the relevant outcomes set forth in 3 V.S.A. § 2311 and related indicators, to which the Action Plan should relate.

\* \* \* Increasing Medicaid Rates for Home- and Community-Based  
Service Providers \* \* \*

Sec. 4. 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 received in a home or community setting other than a nursing home pursuant to the Choices for Care component of Vermont’s Global Commitment to Health Section 1115 Medicaid demonstration or a successor program and includes home health and hospice services, assistive community care services, and enhanced residential care services.

Sec. 5. 33 V.S.A. § 911 is added to read:

§ 911. INFLATION FACTOR FOR HOME- AND COMMUNITY-BASED SERVICES; PAYMENT RATES

(a) The Director shall establish by rule procedures for determining an annual inflation factor to be applied to the Medicaid rates for providers of home- and community-based services authorized by the Department of Vermont Health Access or the Department of Disabilities, Aging, and Independent Living, or both.

(b) The Division, in collaboration with the Department of Disabilities, Aging, and Independent Living, shall calculate the inflation factor for home- and community-based services annually according to the procedure adopted by rule and shall report it to the Departments of Disabilities, Aging, and Independent Living and of Vermont Health Access for application to home- and community-based provider Medicaid reimbursement rates beginning on July 1.

(c) Determination of Medicaid reimbursement rates for each fiscal year shall be based on application of the inflation factor to the sum of:

(1) the prior fiscal year’s payment rates; plus

(2) any additional payment amounts available to providers of home- and community-based services as a result of policies enacted by the General Assembly that apply to the fiscal year for which the rates are being calculated.

#### Sec. 6. HOME- AND COMMUNITY-BASED SERVICE PROVIDER

##### RATE STUDY; REPORT

(a) The Departments of Vermont Health Access and of Disabilities, Aging, and Independent Living shall conduct a rate study of the Medicaid reimbursement rates paid to providers of home- and community-based services, their adequacy, and the methodologies underlying those rates. The Departments shall:

(1) establish a predictable schedule for Medicaid rates and rate updates;

(2) identify ways to align the 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;

(3) limit the number of methodological exceptions; and

(4) communicate the proposed changes to providers of home- and community-based services prior to implementing any proposed changes.

(b) On or before January 15, 2021, the Departments of Vermont Health Access and of Disabilities, Aging, and Independent Living shall report to the House Committees on Human Services and on Appropriations and the Senate Committees on Health and Welfare and on Appropriations with the results of the rate study conducted pursuant to this section.

\* \* \* Self-Neglect Working Group \* \* \*

#### Sec. 7. SELF-NEGLECT WORKING GROUP; REPORT

(a) Creation. There is created the Self-Neglect Working Group to provide recommendations regarding adults who, due to physical or mental impairment or diminished capacity, are unable to perform essential self-care tasks. For the purposes of the Working Group, “self-neglect” has the same meaning as in 33 V.S.A. § 6203.

(b) Membership. The Working Group shall be composed of the following members:

(1) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(2) the Director of the Adult Services Division in the Department of Disabilities, Aging, and Independent Living or designee;



- (3) the Vermont Attorney General or designee;
- (4) the State Long-Term Care Ombudsman or designee;
- (5) the Executive Director of the Vermont Association of Area Agencies on Aging or designee;
- (6) the Executive Director of the Community of Vermont Elders or designee;
- (7) the Executive Director of the VNAs of Vermont or designee;
- (8) the Executive Director of Disability Rights Vermont or designee;
- (9) an elder care clinician selected by Vermont Care Partners; and
- (10) the Director of the Center on Aging at the University of Vermont College of Medicine or designee.

(c) Powers and duties. The Working Group shall consider issues and develop recommendations relating to self-neglect, including determining the following:

- (1) how to identify adults residing in Vermont who, because of physical or mental impairment or diminished capacity, are unable to perform essential self-care tasks and are self-neglecting;
- (2) how prevalent self-neglect is among adults in Vermont, and any common characteristics that can be identified about the demographics of self-neglecting Vermonters;
- (3) what resources and services currently exist to assist Vermonters who are self-neglecting, and where there are opportunities to improve delivery of these services and increase coordination among existing service providers;
- (4) what additional resources and services are needed to better assist Vermonters who are self-neglecting; and
- (5) how to prevent self-neglect and identify adults at risk for self-neglect.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Department of Disabilities, Aging, and Independent Living.

(e) Report. On or before December 15, 2020, the Working Group shall report its findings and its recommendations for legislative and nonlegislative action to the House Committee on Human Services and the Senate Committee on Health and Welfare.

(f) Meetings.

(1) The Commissioner of Disabilities, Aging, and Independent Living or designee shall call the first meeting of the Working Group to occur on or before July 1, 2020.

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

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

(4) The Working Group shall cease to exist following submission of its report pursuant to subsection (e) of this section.

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

#### Sec. 8. EFFECTIVE DATES

(a) Secs. 1 (Older Vermonters Act), 2 (Adult Protective Services reporting), 3 (Strategic Action Plan on Aging; development process; report), 6 (home- and community-based service provider rate study; report), and 7 (Self-Neglect Working Group; report) and this section shall take effect on passage, except that in Sec. 1, 33 V.S.A. § 6206 (plan for comprehensive and coordinated system of services, supports, and protections) shall apply to the State Plan on Aging taking effect on October 1, 2022.

(b) Secs. 4 and 5 (Medicaid rates for home- and community-based service providers) shall take effect on passage and shall apply to home- and community-based service provider rates beginning on July 1, 2021.

#### **( Committee Vote: 11-0-0)**

**Rep. Lanpher of Vergennes**, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Human Services and when further amended as follows:

First: By striking Secs. 4, 33 V.S.A. § 900, and 5, 33 V.S.A. § 911, in their entireties and inserting in lieu thereof new Secs. 4 and 5 to read as follows:

Sec. 4. [Deleted.]

Sec. 5. [Deleted.]

Second: By striking Sec. 8, effective dates, in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

#### Sec. 8. EFFECTIVE DATE

This act shall take effect on passage, except that in Sec. 1, 33 V.S.A. § 6206 (plan for comprehensive and coordinated system of services, supports, and protections) shall apply to the State Plan on Aging taking effect on October 1, 2022.

( Committee Vote: 10-1-0)

**H. 943**

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

**Rep. Brownell of Pownal**, for the Committee on Government Operations, recommends the bill ought to pass.

( Committee Vote: 11-0-0)

**Rep. Brennan of Colchester**, for the Committee on Ways and Means, recommends the bill be amended as follows:

In Sec. 2, 24 App. V.S.A. chapter 11, § 23, in subsection (d), immediately following the period, by inserting “Any tax imposed under the authority of this subsection shall be collected and administered pursuant to 24 V.S.A. § 138.”

( Committee Vote: 10-1-0)

**H. 946**

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

**Rep. Mrowicki of Putney**, for the Committee on Government Operations, recommends the bill ought to pass.

( Committee Vote: 11-0-0)

**Rep. Donovan of Burlington**, for the Committee on Ways and Means, recommends the bill be amended as follows:

In Sec. 2, 24 App. V.S.A. chapter 114G, in section 1, in subsection (c), by striking out the word “Revenues” and inserting in lieu thereof “The Town’s share of the revenues”

( Committee Vote: 10-1-0)

**Favorable**

**S. 347**

An act relating to suspension of time frames for civil license suspension hearings for certain DUI offenses

**Rep. Christie of Hartford**, for the Committee on Judiciary, recommends that the bill ought to pass in concurrence.

(Committee Vote: 9-0-2)

(For text see Senate Journal May 12, 2020, page 455. )

## Senate Proposal of Amendment

### H. 951

An act relating to the municipal emergency statewide education property tax borrowing program

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. MUNICIPAL EMERGENCY STATEWIDE EDUCATION PROPERTY TAX BORROWING PROGRAM

(a) Intent. It is the intent of the General Assembly to establish a program to assist municipalities required to make a short-term borrowing to manage the cash flow effects of statewide education property tax deferrals or delays in receipt of such taxes by municipalities as a result of the COVID-19 pandemic. This program shall be administered in a way that is consistent with section 5001 of Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116–136 (the CARES Act) and any guidance or regulations issued pursuant to that section, and that allows the State to recover, to the maximum extent possible, the short-term borrowing costs payable to municipalities from the Coronavirus Relief Fund established by section 5001 of the CARES Act, as may be amended, or any other federal funds that may be granted to the State and used to reimburse short-term borrowing costs.

(b) Definitions. As used in this section:

(1) “Municipality” means a city, town, incorporated village, the unorganized towns and gores of Essex County, Buel’s Gore, and any incorporated school district with authority to collect statewide education property taxes.

(2) “Short-term borrowing costs” means interest incurred for short-term borrowing directly attributable to the COVID-19 pandemic, including interest on letters or lines of credit, revenue anticipation notes, tax anticipation notes, and bond anticipation notes. “Short-term borrowing costs” does not mean the principal payments of any borrowing or any interest on borrowing not directly attributable to the COVID-19 pandemic.

(c) Program. The Municipal Emergency Statewide Education Property Tax Borrowing Program is established to authorize the State Treasurer to make payments to municipalities to cover the short-term borrowing costs incurred that are attributable to the COVID-19 pandemic.

(d) Application. A municipality that has duly authorized a short-term borrowing directly attributable to the COVID-19 pandemic may apply to the

State Treasurer for payment under the Program. The application shall be in the manner prescribed by the Treasurer and shall include, at a minimum:

(1) the amount and type of short-term borrowing costs that the municipality seeks to have reimbursed;

(2) the municipality's 2020 tax collection date;

(3) an explanation, with supporting documentation, of the municipality's under-collection or delay in statewide education property tax collection attributable to COVID-19; and

(4) certification by the municipality, and supporting documentation, that such costs meet the definition of short-term borrowing as defined in subdivision (b)(2) of this section and the eligibility criteria as defined in subsection (e) of this section.

(e) Eligibility. Payments under the Program shall be available only to a municipality, as that term is defined in subdivision (b)(1) of this section, subject to the following criteria:

(1) Short-term borrowing costs were not included in the municipality's budget or any amendment to the budget enacted on or prior to March 27, 2020.

(2) Short-term borrowing costs were incurred during the period beginning on March 1, 2020 and ending on December 30, 2020.

(3) The borrowing was made for the purpose of managing the cash flow effects of statewide education property tax deferrals or delays as a direct result of the COVID-19 pandemic.

(4) The expenses must be consistent with use of funds authorized in section 5001 of the CARES Act, as may be amended, or the requirements of any other federal funds that may be granted to the State and used to support the Program.

(5) Any borrowing interest must be commercially reasonable based on published municipal indices or prevailing bank rates.

(f) Administration.

(1) The Treasurer shall specify the form of certification to the municipalities not later than seven days after enactment of this act and begin accepting applications not later than ten days after enactment of this act.

(2) The Treasurer may be reimbursed for any expenditure made in the administration of the provisions of this section.

(g) Records. A municipality shall keep records sufficient to demonstrate that the amount of payments to the municipality has been used in accordance with this section.

Sec. 2. MUNICIPAL EMERGENCY STATEWIDE EDUCATION  
PROPERTY TAX BORROWING; APPROPRIATION

The sum of up to \$2,700,000.00 is appropriated in FY 2020 from the Coronavirus Relief Fund to the Office of the State Treasurer for use in FY 2020 and FY 2021 for the purpose of providing payments under the Municipal Emergency Statewide Education Property Tax Borrowing Program described in Sec. 1 of this act. Any appropriation amount carried forward to FY 2021 under this section shall revert to the Coronavirus Relief Fund after all eligible short-term borrowing costs incurred through December 30, 2020 have been expended.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to the municipal emergency statewide education property tax borrowing program.

(For text see House Journal May 26, 2020, page 525.)

**Senate Proposal of Amendment**

**H. 953**

An act relating to fiscal year 2020 supplemental 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. 2019 Acts and Resolves No. 72, Sec. B.138 is amended to read:

Sec. B.138 Renter rebate

Grants	<u>9,500,000</u>	<u>8,100,000</u>
Total	<u>9,500,000</u>	<u>8,100,000</u>
Source of funds		
General fund	<u>9,500,000</u>	<u>8,100,000</u>
Total	<u>9,500,000</u>	<u>8,100,000</u>

Sec. 2. 2019 Acts and Resolves No. 72, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds

General fund	93,659,436	92,266,436
Transportation fund	4,019,636	4,019,636
Special funds	14,959,116	14,959,116
Federal funds	1,116,678	1,116,678
Internal service funds	125,854,235	125,854,235
Interdepartmental transfers	7,215,255	7,215,255
Enterprise funds	23,052	23,052
Pension trust funds	9,704,432	9,704,432
Private purpose trust funds	<u>1,125,701</u>	<u>1,125,701</u>
Total	<del>257,677,541</del>	256,284,541

Sec. 3. 2019 Acts and Resolves No. 72, Sec. B.219 as amended by 2020 Acts and Resolves No. 88, Sec. 9 is further amended to read:

Sec. B.219 Military - veterans' affairs

Personal services	833,614	833,614
Operating expenses	173,955	173,955
Grants	<u>43,300</u>	<u>33,300</u>
Total	<del>1,050,869</del>	1,040,869

Source of funds

General fund	803,651	793,651
Special funds	147,218	147,218
Federal funds	<u>100,000</u>	<u>100,000</u>
Total	<del>1,050,869</del>	1,040,869

Sec. 4. 2019 Acts and Resolves No. 72, Sec. B.240 as amended by 2020 Acts and Resolves No. 88, Sec. 10 is further amended to read:

Sec. B.240 Total protection to persons and property

Source of funds

General fund	<del>164,720,860</del>	164,710,860
Transportation fund	20,250,000	20,250,000
Special funds	88,767,278	88,767,278
Tobacco fund	561,843	561,843
Federal funds	54,587,748	54,587,748
ARRA funds	921,260	921,260
Interdepartmental transfers	14,655,414	14,655,414
Enterprise funds	<u>11,472,400</u>	<u>11,472,400</u>
Total	<del>355,936,803</del>	355,926,803

Sec. 5. 2019 Acts and Resolves No. 72, Sec. B.301 as amended by 2020 Acts and Resolves No. 88, Sec. 12 is further amended to read:

Sec. B.301 Secretary's office - global commitment

Operating expenses	3,150,212	3,150,212
Grants	<u>1,630,119,013</u>	<u>1,629,912,361</u>
Total	<u>1,633,269,225</u>	<u>1,633,062,573</u>
Source of funds		
General fund	557,208,815	513,632,278
Special funds	34,969,169	44,969,169
Tobacco fund	21,049,373	21,049,373
State health care resources fund	21,101,110	22,601,110
Federal funds	<u>983,572,979</u>	<u>1,015,442,864</u>
Interdepartmental transfers	<u>15,367,779</u>	<u>25,367,779</u>
Total	<u>1,633,269,225</u>	<u>1,633,062,573</u>

Sec. 6. 2019 Acts and Resolves No. 72, Sec. B.306 as amended by 2020 Acts and Resolves No. 88, Sec. 14 is further amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	140,308,825	140,308,825
Operating expenses	29,905,859	29,905,859
Grants	<u>6,764,723</u>	<u>6,764,723</u>
Total	176,979,407	176,979,407
Source of funds		
General fund	<del>32,242,529</del>	32,228,890
Special funds	6,096,108	6,096,108
Federal funds	<del>124,749,165</del>	124,735,526
Global Commitment fund	9,369,215	9,369,215
Interdepartmental transfers	<u>4,522,390</u>	<u>4,549,668</u>
Total	176,979,407	176,979,407

Sec. 7. 2019 Acts and Resolves No. 72, Sec. B.307 as amended by 2020 Acts and Resolves No. 88, Sec. 15 is further amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Personal services	547,983	547,983
Grants	<u>725,790,989</u>	<u>718,744,003</u>
Total	<u>726,338,972</u>	<u>719,291,986</u>
Source of funds		
Global Commitment fund	<u>726,338,972</u>	<u>719,291,986</u>
Total	<u>726,338,972</u>	<u>719,291,986</u>

Sec. 8. 2019 Acts and Resolves No. 72, Sec. B.309 as amended by 2020 Acts and Resolves No. 88, Sec. 17 is further amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program -



state only

Grants	<u>53,864,800</u>	<u>49,128,572</u>
Total	<u>53,864,800</u>	<u>49,128,572</u>
Source of funds		
General fund	42,034,845	39,150,622
Global Commitment fund	11,829,955	9,892,450
Enterprise funds	0	85,500
Total	<u>53,864,800</u>	<u>49,128,572</u>

Sec. 9. 2019 Acts and Resolves No. 72, Sec. B.310 as amended by 2020 Acts and Resolves No. 88, Sec. 18 is further amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>33,297,789</u>	<u>33,076,106</u>
Total	<u>33,297,789</u>	<u>33,076,106</u>
Source of funds		
General fund	12,140,974	11,896,989
Federal funds	<u>21,157,815</u>	<u>21,179,117</u>
Total	<u>33,297,789</u>	<u>33,076,106</u>

Sec. 10. 2019 Acts and Resolves No. 72, Sec. B.313 is amended to read:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	4,363,807	4,363,807
Operating expenses	255,634	255,634
Grants	<u>51,538,398</u>	<u>50,316,237</u>
Total	<u>56,157,839</u>	<u>54,935,678</u>
Source of funds		
General fund	1,946,686	1,946,686
Special funds	1,170,177	1,170,177
Tobacco fund	949,917	949,917
Federal funds	17,574,970	17,574,970
Global Commitment fund	<u>34,516,089</u>	<u>33,293,928</u>
Total	<u>56,157,839</u>	<u>54,935,678</u>

Sec. 11. 2019 Acts and Resolves No. 72, Sec. B.314 as amended by 2020 Acts and Resolves No. 88, Sec. 19 is further amended to read:

Sec. B.314 Mental health - mental health

Personal services	<u>32,137,652</u>	<u>32,342,021</u>
Operating expenses	4,434,083	4,434,083
Grants	<u>237,094,507</u>	<u>237,759,022</u>

Total	273,666,242	274,535,126
Source of funds		
General fund	7,699,658	7,699,658
Special funds	1,684,904	1,480,535
Federal funds	9,132,390	10,205,643
Global Commitment fund	255,076,042	255,076,042
Interdepartmental transfers	<u>73,248</u>	<u>73,248</u>
Total	273,666,242	274,535,126

Sec. 12. 2019 Acts and Resolves No. 72, Sec. B.318 as amended by 2020 Acts and Resolves No. 88, Sec. 22 is further amended to read:

Sec. B.318 Department for children and families - child development

Personal services	4,618,948	4,618,948
Operating expenses	1,031,325	1,031,325
Grants	<u>79,924,977</u>	<u>84,335,043</u>
Total	85,575,250	89,985,316
Source of funds		
General fund	39,843,744	39,843,744
Special funds	1,820,000	1,820,000
Federal funds	33,144,045	37,554,111
Global Commitment fund	10,744,961	10,744,961
Interdepartmental transfers	<u>22,500</u>	<u>22,500</u>
Total	85,575,250	89,985,316

Sec. 13. 2019 Acts and Resolves No. 72, Sec. B.325 as amended by 2020 Acts and Resolves No. 88, Sec. 26 is further amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	522,340	522,340
Operating expenses	43,673	43,673
Grants	<u>10,137,256</u>	<u>12,471,323</u>
Total	10,703,269	13,037,336
Source of funds		
General fund	5,037,111	5,037,111
Special funds	57,990	57,990
Federal funds	4,778,480	7,112,547
Global Commitment fund	<u>829,688</u>	<u>829,688</u>
Total	10,703,269	13,037,336

Sec. 14. 2019 Acts and Resolves No. 72, Sec. B.346 as amended by 2020 Acts and Resolves No. 88, Sec. 34 is further amended to read:

Sec. B.346 Total human services

Source of funds

General fund	1,007,088,907	960,370,523
Special funds	123,986,513	123,782,144
Tobacco fund	23,088,208	23,088,208
State health care resources fund	21,101,110	22,601,110
Federal funds	1,424,376,911	1,464,072,845
Global Commitment fund	1,593,280,128	1,583,073,476
Internal service funds	2,035,610	2,035,610
Interdepartmental transfers	36,346,190	46,373,468
Permanent trust funds	25,000	25,000
Enterprise funds	0	85,500
Total	4,231,328,577	4,225,507,884

Sec. 15. 2019 Acts and Resolves No. 72, Sec. B.711 is amended to read:

Sec. B.711 Environmental conservation - office of water programs

Personal services	21,732,819	21,732,819
Operating expenses	6,821,783	6,821,783
Grants	<u>32,104,881</u>	<u>31,354,321</u>
Total	<u>60,659,483</u>	<u>59,908,923</u>

Source of funds

General fund	7,994,351	7,994,351
Special funds	<u>19,641,195</u>	18,890,635
Federal funds	31,935,599	31,935,599
Interdepartmental transfers	<u>1,088,338</u>	<u>1,088,338</u>
Total	<u>60,659,483</u>	<u>59,908,923</u>

Sec. 16. 2019 Acts and Resolves No. 72, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Source of funds

General fund	29,608,969	29,608,969
Special funds	60,039,636	59,289,076
Fish and wildlife fund	9,236,567	9,236,567
Federal funds	54,971,917	54,971,917
Interdepartmental transfers	10,178,254	10,178,254
Permanent trust funds	<u>60,000</u>	<u>60,000</u>
Total	<u>164,095,343</u>	<u>163,344,783</u>

Sec. 17. 2019 Acts and Resolves No. 72, Sec. B.802 is amended to read:

Sec. B.802 Housing & community development

Personal services	3,723,802	3,723,802
Operating expenses	779,039	779,039
Grants	<u>11,773,050</u>	<u>11,673,050</u>
Total	<u>16,275,891</u>	16,175,891
Source of funds		
General fund	2,753,913	2,753,913
Special funds	5,185,233	5,085,233
Federal funds	7,883,744	7,883,744
Interdepartmental transfers	<u>453,001</u>	<u>453,001</u>
Total	<u>16,275,891</u>	16,175,891

Sec. 18. 2019 Acts and Resolves No. 72, Sec. B.813 as amended by 2020 Acts and Resolves No. 88, Sec. 38 is further amended to read:

Sec. B.813 Total commerce and community development

Source of funds		
General fund	16,529,933	16,529,933
Special funds	18,730,826	18,630,826
Federal funds	30,578,334	30,578,334
Interdepartmental transfers	<u>522,588</u>	<u>522,588</u>
Total	<u>66,361,681</u>	66,261,681

Sec. 19. 2019 Acts and Resolves No. 72, Sec. B.902 is amended to read:

Sec. B.902 Transportation - buildings

Operating expenses	<u>907,746</u>	<u>307,746</u>
Total	<u>907,746</u>	307,746
Source of funds		
Transportation fund	<u>907,746</u>	<u>307,746</u>
Total	<u>907,746</u>	307,746

Sec. 20. 2019 Acts and Resolves No. 72, Sec. B.903 as amended by 2020 Acts and Resolves No. 88, Sec. 39 is further amended to read:

Sec. B.903 Transportation - program development

Personal services	53,367,048	53,367,048
Operating expenses	217,771,750	217,771,750
Grants	<u>27,258,553</u>	<u>27,258,553</u>
Total	298,397,351	298,397,351
Source of funds		
Transportation fund	40,775,234	41,675,234
TIB fund	12,955,317	12,055,317
Federal funds	244,272,581	244,272,581
Interdepartmental transfers	191,790	191,790

Local match	<u>202,429</u>	<u>202,429</u>
Total	298,397,351	298,397,351

Sec. 21. 2019 Acts and Resolves No. 72, Sec. B.914 is amended to read:

Sec. B.914 Transportation - town highway bridges

Personal services	3,239,423	3,239,423
Operating expenses	<del>10,143,100</del>	9,843,100
Grants	<u>451,328</u>	<u>451,328</u>
Total	<del>13,833,851</del>	13,533,851
Source of funds		
Transportation fund	1,304,648	1,004,648
TIB fund	701,815	701,815
Federal funds	10,887,721	10,887,721
Local match	<u>939,667</u>	<u>939,667</u>
Total	<del>13,833,851</del>	13,533,851

Sec. 22. 2019 Acts and Resolves No. 72, Sec. B.919 is amended to read:

Sec. B.919 Transportation - municipal mitigation assistance program

Operating expenses	204,000	204,000
Grants	<u>2,694,000</u>	<u>2,576,515</u>
Total	<del>2,898,000</del>	2,780,515
Source of funds		
Transportation fund	700,000	700,000
Special funds	<del>770,000</del>	652,515
Federal funds	<u>1,428,000</u>	<u>1,428,000</u>
Total	<del>2,898,000</del>	2,780,515

Sec. 23. 2019 Acts and Resolves No. 72, Sec. B.922 as amended by 2020 Acts and Resolves No. 88, Sec. 42 is further amended to read:

Sec. B.922 Total transportation

Source of funds		
Transportation fund	256,457,422	256,457,422
TIB fund	14,417,132	13,517,132
Special funds	<del>1,410,000</del>	1,292,515
Federal funds	319,145,747	319,145,747
Internal service funds	20,112,038	20,112,038
Interdepartmental transfers	1,789,815	1,789,815
Local match	<u>1,142,096</u>	<u>1,142,096</u>
Total	<del>614,474,250</del>	613,456,765

Sec. 24. 2019 Acts and Resolves No. 72, Sec. E.219 as amended by 2020 Acts

and Resolves No. 88, Sec. 53 is further amended to read:

Sec. E.219 Military – veterans’ affairs

(a) Of this appropriation, \$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; and \$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. 25. 2019 Acts and Resolves No. 72, Sec. E.905 as amended by 2020 Acts and Resolves No. 88, Sec. 58 is further amended to read:

Sec. E.905 SUPPLEMENTAL MAINTENANCE OR PROJECT SPENDING

~~(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2020 Transportation Program, the Secretary of Transportation, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer up to \$3,000,000.00 in Transportation Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2 roadway programs as follows:~~

~~(1) to the Transportation — Maintenance State System (8100002000) appropriation, for the specific purpose of addressing the overall cost of highway maintenance during fiscal year 2020.~~

~~(2) to the Transportation — Program Development (8100001100) appropriation, for the specific purpose of averting delays to project schedules.~~

~~(b)(1) If a contemplated transfer of an appropriation would not significantly delay the planned work schedule of a project, the Secretary may execute the transfer and shall give prompt notice thereof to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Fiscal Office and the Joint Transportation Oversight Committee.~~

~~(2) If a contemplated transfer of an appropriation would, by itself, significantly delay the planned work schedule of a project, the Secretary:~~

~~(A) when the General Assembly is in session, may execute the transfer, but shall give the House and Senate Committees on Transportation advance notice of at least 10 business days prior to executing the transfer; or~~

~~(B) when the General Assembly is not in session, may execute the transfer, but shall give prompt notice of the transfer to the Joint Fiscal Office~~

and the Joint Transportation Oversight Committee.

~~(c) In July 2020, the Secretary of Administration shall report all appropriations reductions made under the authority of this section to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee. [Repealed.]~~

Sec. 26. CORONAVIRUS PANDEMIC RESPONSE HUMAN SERVICES;  
FEDERAL FUNDS AUTHORIZATION

(a) The Agency of Human Services estimates \$6,117,944 of expenses will be incurred related to the coronavirus pandemic and COVID-19 emergency response for the provision of emergency food assistance and costs for establishing isolation housing and recovery options for vulnerable populations with potential COVID-19 disease or exposure. These expenses also include rent, staffing, security, supplies, and telemedicine capacity.

(b) In fiscal year 2020, the Agency of Human Services is authorized to expend FEMA funds for 75% Federal Emergency Management Agency reimbursement for these incurred expenditures. State matching funds have been authorized in the May 11, 2020 Joint Fiscal Committee approved plan for the Coronavirus Relief Fund.

Sec. 27. APPROPRIATION USE REPORTING REQUIREMENT

(a) The Agency of Human Service shall report to the Joint Fiscal Committee in August 2020 on the use of the funds appropriated from the Agency of Human Services Central Office earned federal receipts via Interdepartmental transfers appropriated in Sec. 5 of this act by further amending 2019 Acts and Resolves No. 72, Sec. B.301.

Sec. 27a. 2019 Acts and Resolves No. 72, Sec. E.301 as amended by 2020 Acts and Resolves No. 88, Sec. 55 is further amended to read:

Sec. E.301 Secretary's Office – Global Commitment

\* \* \*

(c) Up to ~~\$15,400,000~~ \$25,367,779 is transferred from the Agency of Human Services 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. 28. 2019 Acts and Resolves No. 72, Sec. D.101 as amended by 2020 Acts and Resolves No. 88, Sec. 45 is further amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

\* \* \*

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2020:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

21405	<u>Bond Investment Earnings</u>		<u>2,738,248.00</u>
21923	Historic Property Stab & Rehab		32,917.00
22005	AHS Central Office earned federal receipts		15,874,593.00
50300	Liquor Control Fund	<del>18,370,000.00</del>	<u>23,000,000.00</u>
50400	<u>Vermont Life Magazine Fund</u>		<u>375,000.00</u>
62100	Unclaimed Property Fund	<del>2,889,512.00</del>	<u>3,470,512.00</u>
	Caledonia Fair		5,000.00
	North Country Hospital Loan		24,047.30

(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 in fiscal year 2020. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

21638	AG-Fees & Reimbursements-Court Order	<del>2,000,000.00</del>	<u>4,000,000.00</u>
21928	Secretary of State Services Fund	<del>2,032,817.00</del>	<u>2,432,817.00</u>

(3) In fiscal year 2020, notwithstanding 2016 Acts and Resolves No. 172, Sec. E.228, ~~\$33,104,193~~ \$36,104,193 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), and the Securities Regulatory and Supervision Fund (Fund Number 21080) shall be transferred to the General Fund.

(4) The following amounts shall be transferred from the General Fund to the funds indicated:

21370	Tobacco Litigation Settlement Fund		1,500,000.00
21555	Emergency Relief and Assistance Fund		1,476,322.00
56100	Workers' Compensation Fund		2,715,144.00
56200	State Liability Insurance Fund		2,323,899.00



56300 Risk Management – all other insurance 128,000.00

58600 Equipment Revolving Fund 581,928.00

(A) Of the amount transferred to the Emergency Relief and Assistance Fund, \$865,000 is intended to meet additional projected funding needs for fiscal year 2020, and the remainder is to be applied toward prefunding projected needs for fiscal year 2021.

(B) Of the amount transferred to the Equipment Revolving Fund, \$581,928 shall be for the intended purpose of establishing revolving loans for Information Technology needs and shall be tracked and reported separately from other Equipment Revolving Fund activity.

\* \* \*

(f) The following General Fund amount shall be reserved in fiscal year 2020 for fiscal year 2021 budget expenditures: \$18,365,715. These funds shall be unreserved in fiscal year 2021. In fiscal year 2020, any unreserved and undesignated end of fiscal year General Fund surplus remaining after satisfying the requirements of 32 V.S.A. § 308 and notwithstanding 32 V.S.A. § 308c shall remain in the General Fund and available for appropriation in fiscal year 2021.

#### Sec. 29. USE OF GENERAL FUND RESERVES FOR FISCAL YEAR 2020 FINANCIAL CLOSE OUT

(a) To the extent funds are required to close the General Fund in balance for fiscal year 2020, the following amounts are unreserved:

(1) First, notwithstanding 32 V.S.A. § 308c, up to \$31,553,274 is unreserved from the General Fund Balance Reserve (aka Rainy Day Fund).

(2) Second, notwithstanding 32 V.S.A § 308, up to \$79,823,411 is unreserved from the General Fund Budget Stabilization Reserve.

(3) Finally, notwithstanding 32 V.S.A. § 308c, up to \$98,236,983 is unreserved from Human Services Caseload Reserve.

(b) Should federal fiscal assistance to states become available, including the ability for utilization of interfund borrowing from the Coronavirus Relief Fund that would allow for the use of such federal funding to be directly applied to the General Fund or applied to fiscal year 2020 General Fund expenditures, such funds shall be applied as allowed to reduce or eliminate the need to utilize the provisions of subsection (a) of this section.

#### Sec. 30. APPLICATION OF FISCAL YEAR 2020 DEFERRED TAX PAYMENTS COLLECTED IN FISCAL YEAR 2021

(a) To the extent that tax payments that were due to the State in fiscal year 2020 but were deferred as a result of state and federal emergency action taken in response to the Coronavirus Pandemic are received into the General Fund through August 15, 2020, funds from such payments shall be transferred or reserved as follows:

(1) First, to the extent any interfund loan was made from the Coronavirus Relief Fund under the provision of Sec. 29(b) of this act, in an amount to repay the balance of the interfund loan.

(2) Second, in the Human Services Caseload Reserve, in an amount to bring this reserve balance up to \$98,236,983.

(3) Third, in the General Fund Budget Stabilization Reserve, in an amount to bring this reserve balance up to \$81,472,791.

(4) Fourth, in General Fund Balance Reserve (aka Rainy Day Fund), in an amount to bring this reserve balance up to \$31,553,274.

(5) Finally, any additional amounts received from such payments shall remain available in the General Fund for appropriation in fiscal year 2021.

Sec. 31. FISCAL YEAR 2020 CLOSE OUT APPROPRIATION TRANSFER  
AUTHORITY

(a) Notwithstanding 32 V.S.A. § 706, in order to facilitate fiscal year 2020 financial closure of the State, the Commissioner of Finance and Management may, upon approval of the Governor, transfer fiscal year 2020 balances of appropriations up to \$250,000, and, upon approval of the Emergency Board, transfer fiscal year 2020 balances at or over \$250,000 made under any appropriation act for the support of the government from one component of an agency, department, or other unit of the Executive Branch of State government, to any component of the same agency, department, or unit. The Commissioner shall provide a report on all transfers made under the provisions of this subsection to the Joint Fiscal Committee in August 2020.

(b) Notwithstanding any other act or provision of law, the Legislative Branch of State government, in order to facilitate fiscal year 2020 financial closure of the Legislative Branch budgets, may transfer up to \$250,000 between appropriation units within the Legislative Branch.

Sec. 32. 2020 Acts and Resolves No. 88, Sec. 49 is amended to read:

Sec. 49. FISCAL YEAR 2020 ONE-TIME GENERAL FUND  
APPROPRIATIONS

(a) In fiscal year 2020, the sum of \$370,000 is appropriated to the Secretary of Administration for distribution to departments to provide funding

for the fiscal year 2020 change to the Vermont State Employees' Retirement System's employer contribution rate.

~~(b) In fiscal year 2020, the sum of \$25,000 is appropriated to the Agency of Commerce and Community Development for the commissioning of the USS Vermont.~~

~~(e) In fiscal year 2020, the sum of \$450,000 is appropriated to the Secretary of State for calendar year 2020 general election expenditures.~~

#### Sec. 33. VERMONT STUDENT ASSISTANCE CORPORATION; INTENT

(a) It is the intent of the General Assembly in fiscal year 2021 to fund the Vermont Student Assistance Corporation base appropriation at the level of \$19,978,588 for the 2020–2021 academic year.

#### Sec. 34. MEDICAID NON-EMERGENCY TRANSPORTATION

(a) In fiscal year 2021, prior to executing a contract to provide Medicaid Non-Emergency Transportation services, the Department of Vermont Health Access shall provide to the Joint Fiscal Committee for review and approval a detailed analysis demonstrating that by executing such a contract:

(1) no State policy, including the coordinated delivery of transportation services in the Elders and Persons with Disability program and the Medicaid Non-Emergency Transportation program, will be compromised;

(2) there will be no degradation of service to eligible individuals; and

(3) the financial stability of the State's public transportation systems will be maintained.

(b) The analysis shall also include the impact of the Agency of Transportation's investments in vehicles, technology, and other capital investments on the coordinated service delivery model.

#### Sec. 35. CENTRAL GARAGE FUND REPORT

(a) The Agency of Transportation shall report to the Joint Fiscal Committee and to the House and Senate Committees on Transportation on September 1, 2020 on the status of the Central Garage Fund and the plan to address any negative projected balance in the Fund.

\* \* \* Coronavirus Relief Fund \* \* \*

#### Sec. 36. ONE-TIME CORONAVIRUS RELIEF FUND (CRF) APPROPRIATIONS

(a) The following appropriations are authorized on a one-time basis in fiscal year 2020 from the Coronavirus Relief Fund (CRF) established under

the federal Coronavirus Aid, Relief and Economic Security (CARES) Act to address necessary expenditures with respect to the Coronavirus Disease 2019 (COVID-19) public health emergency. These expenditures were not accounted for in the State budget most recently approved as of March 27, 2020 and were incurred during the period that began on March 1, 2020, in accordance with the Department of Treasury's April 22, 2020 interpretation of limitations on the permissible use of fund payments. These appropriations shall carry forward to fiscal year 2021, as needed.

(1) Joint Fiscal Committee: \$600,000 is appropriated to the Legislative Joint Fiscal Committee for use or transfer to appropriation units within the General Assembly as necessary to reimburse eligible fiscal year 2020 expenditures. The transfers shall be reviewed and approved through traditional transfer approval processes by the Secretary of Administration. The Joint Fiscal Office shall provide a list of the COVID-19 expenditures funded by this appropriation and related documentation and transfers to other legislative departments to the Joint Legislative Management Committee, the Joint Fiscal Committee, and the Commissioner of Finance and Management on or before July 30, 2020.

(2) Legislature: \$750,000 is appropriated to the Legislature for costs incurred beyond the budgeted 18-week legislative session in fiscal year 2020 due to the response to the Coronavirus pandemic, which includes delays and an extension to legislative work necessitated in the transition to remote or partially remote work for the Legislature.

(3) Agency of Natural Resources: \$2,000,000 is appropriated to the Agency of Natural Resources to be transferred to the Agency's departments as needed to support sanitation efforts at public facilities.

(4) The Vermont State Colleges (VSC): \$12,515,500 is granted to the Vermont State Colleges. \$5,117,792 to cover the cost of rooms and meals refunds provided to students due to campus closures during the spring 2020 semester due to the Coronavirus pandemic. The remaining amount is for other expenses incurred or anticipated to be incurred by June 30, 2020 for COVID-19 response, including distance learning, equipment and supplies, facilities alterations, and staff or contractual costs related to the response.

(5) The University of Vermont (UVM): \$8,691,500 is granted to the University of Vermont. \$5,016,300 to cover the cost of rooms and parking refunds provided to students due to campus closure during the spring 2020 semester due to the Coronavirus pandemic. The remaining amount is for other expenses incurred or anticipated to be incurred by June 30, 2020 for COVID-

19 response, including distance learning, equipment and supplies, facilities alterations and staff or contractual costs related to the response.

(6) The Vermont Student Assistance Corporation (VSAC): \$5,100,000 is granted to the Vermont Student Assistance Corporation for increased tuition grants to students as a result of reduced household income in the 2020 calendar year as well as increased demand for skills enhancement grants due to the economic impacts of the Coronavirus pandemic.

(7) The Agency of Human Services (AHS) for Emergency Medical/Ambulance Services: \$3,000,000 is appropriated to AHS for Emergency Medical/Ambulance Services costs and financial assistance during the pandemic allocated as follows:

(A) \$900,000 for the necessary training and support of EMTs including volunteers and paramedic education, these funds may be transferred to the department of health for disbursement as necessary.

(B) \$100,000 for AHS in coordination with the Department of Financial Regulation (DFR) to engage through sole source contract one or more financial consultants to assist EMS service providers with applications needed for federal provider relief funds related to coronavirus funding; state prospective payments related to coronavirus through the Agency of Human Services and the Department of Vermont Health Access; and other grant funding that may be available in response to the pandemic.

(C) \$2,000,000, of which five percent shall be reserved for extraordinary financial relief to State EMS providers upon demonstrated need and the remainder of which may be used to make EMS provider stabilization grants in a manner determined by AHS that recognizes the need for administrative simplicity and EMS provider organization size.

(8) Department of Corrections: \$600,000 is appropriated to the Department of Corrections for support of necessary changes in community supervision and community programming resulting from COVID-19 impacts. This may include transfers or grant funding to diversion or community justice programs to maintain these programs to meet increased demand following reduced judicial operations due to the pandemic.

(9) State's Attorneys: \$818,000 is appropriated to the Department of State's Attorneys for costs incurred or anticipated to be incurred by June 30, 2020 in response to the pandemic.

(10) Defender General: \$419,000 is appropriated to the Defender General for costs incurred or anticipated to be incurred by June 30, 2020 in response to the pandemic.

(11) Vermont Center for Crime Victims Services: \$275,000 is appropriated to Center for Crime Victims Services for costs incurred or anticipated to be incurred by June 30, 2020 in response to the pandemic.

(12) Judiciary: \$4,910,500 is appropriated to the Judiciary for costs directly related to impacts from the pandemic. These funds enable Judicial operations to resume in a safe manner, including the support of remote operations, expenditures for hazard pay for public-facing staff, and expenditures to expediently address the backlog of cases resulting from reduced Judicial operations during the pandemic.

(A) The establishment of sixteen (16) exempt full-time limited service positions is authorized, as needed. Given the time frame faced in establishing the pandemic response work, use of temporary positions or contracts may be utilized as an alternative to filling new limited service positions.

#### Sec. 37. FULL COST ACCOUNTING OF CORONAVIRUS PERSONAL SERVICE EXPENSES

(a) The State Treasurer shall make a determination of the impact on State Retirement System actuarial obligations of any personnel expenses, hazard pay, overtime, or other personal services costs that are incurred through December 30, 2020 due to the Coronavirus Pandemic. Upon approval of the Secretary of Administration said amount shall be appropriated and transferred from the Coronavirus Relief Fund to the State Retirement System in fiscal years 2020 or 2021. The State Treasurer shall report the amount transferred under this authority to the Joint Fiscal Committee and the Commissioner of Finance and Management.

#### Sec. 38. EFFECTIVE DATE

(a) This act shall take effect on passage.

And by renumbering all the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

(For text see House Journal May 26, 2020, page 541 )