

# House Calendar

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Friday, June 19, 2020

165th DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 A.M.

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**ACTION CALENDAR**

**Unfinished Business of Wednesday, June 10, 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. 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)**

### **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 Friday, June 12, 2020**  
**Favorable with Amendment**  
**H. 880**

An act relating to Abenaki place names on State park signs

**Representative Howard of Rutland City**, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended as follows:

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)**

**Amendment to be offered by Representative Stevens of Waterbury to H. 880 to**

Representative Stevens of Waterbury moves that the bill be amended as follows:

First: In Sec. 1, 10 V.S.A. § 2613, by striking out Sec. 1 in its entirety 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) The Commissioner shall adopt rules establishing a procedure for selecting the spelling of the place name if there are multiple spellings provided by the Commission on Native American Affairs.

Second: In Sec. 2, List of Places with Abenaki names, by striking out “January 15, 2021” and inserting in lieu thereof “March 15, 2021”

**H. 923**

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

**Representative Hashim of Dummerston** for the Committee on Judiciary, recommends the bill be amended as follows:

Sec. 1. 13 V.S.A. § 3705 is added to read:

§ 3705. UNLAWFUL TRESPASS

\* \* \*

(c) A person who knowingly enters the vehicle of another person without legal authority or the consent of the person in lawful possession of the vehicle shall be fined not more than \$250.00.

(d) A person who enters a building other than a residence, whose access is normally locked, whether or not the access is actually locked, or a residence in

violation of an order of any court of competent jurisdiction in this State shall be imprisoned for not more than one year or fined not more than \$500.00, or both.

~~(d)~~(e) A person who enters a dwelling house, whether or not a person is actually present, knowing that he or she is not licensed or privileged to do so shall be imprisoned for not more than three years or fined not more than \$2,000.00, or both.

~~(e)~~(f) A law enforcement officer shall not be prosecuted under subsection (a) of this section if he or she is authorized to serve civil or criminal process, including citations, summons, subpoenas, warrants, and other court orders, and the scope of his or her entrance onto the land or place of another is no more than necessary to effectuate the service of process.

## Sec. 2. EFFECTIVE DATE

This act shall take effect July 1, 2020.

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

### **Committee Bill for Second Reading**

#### **H. 940**

An act relating to animal cruelty investigation response and training.

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

### **Unfinished Business of Wednesday, June 17**

#### **Senate Proposal of Amendment**

#### **H. 558**

An act relating to exempting the Victims Compensation Board from the Open Meeting Law

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 5358a is amended to read:

§ 5358a. APPLICATION INFORMATION; CONFIDENTIALITY

\* \* \*

(d) Meetings of the Victims Compensation Board relating to victims compensation or offender restitution shall not be subject to the Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2. Annually, the Board shall hold an open meeting to present information and data concerning the victims compensation and offender restitution programs, including aggregate

information on cases, pecuniary loss, expense reimbursement, restitution orders, profits from crimes, and nonidentifying information on the amounts of compensation awarded to victims.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(For text see House Journal March 13, 2020, page 870 )

### **Senate Proposal of Amendment**

#### **H. 750**

An act relating to creating a National Guard provost marshal

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

First: In Sec. 1, 20 V.S.A. § 428, by inserting a subdivision (b)(4) to read as follows:

(4) Respond to allegations of sexual assault within the Vermont National Guard, including:

(A) reporting and documenting allegations of sexual assault within the Guard;

(B) coordinating and communicating with the Vermont National Guard Sexual Assault Response Coordinator as appropriate;

(C) coordinating and communicating with federal, State, and local law enforcement in relation to allegations of sexual assault by a member of the Vermont National Guard; and

(D) coordinating with State's Attorneys and the Attorney General in cases related to an alleged sexual assault by a member of the Vermont National Guard.

Second: In Sec. 1, 20 V.S.A. § 428, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Powers. The provost marshal and the assistant provost marshal shall have the same powers and immunities as those conferred on the State Police by section 1914 of this title. The powers granted to the provost marshal and the assistant provost marshal under this section may be exercised statewide with respect to criminal activity in the National Guard only. Nothing in this subsection shall be construed to prevent an individual serving as the provost marshal or assistant provost marshal from working as an officer in another law enforcement agency or from exercising the law enforcement authority granted to officers working in that agency.

(For text see House Journal March 13, page 874 )

## NEW BUSINESS

### Third Reading

#### H. 966

An act relating to COVID-19 broadband connectivity and housing initiatives

**Amendment to be offered by Reps. Pugh of South Burlington, Brumsted of Shelburne, Gregoire of Fairfield, Haas of Rochester, McFaun of Barre Town, Nicoll of Ludlow, Noyes of Wolcott, Pajala of Londonderry, Redmond of Essex, Rosenquist of Georgia, and Wood of Waterbury to H. 966**

Representatives Pugh of South Burlington, Brumsted of Shelburne, Gregoire of Fairfield, Haas of Rochester, McFaun of Barre Town, Nicoll of Ludlow, Noyes of Wolcott, Pajala of Londonderry, Redmond of Essex, Rosenquist of Georgia, and Wood of Waterbury move that the bill be amended as follows:

First: By striking out Sec. 1, purpose, in its entirety and inserting a new Sec. 1 to read as follows:

#### Sec. 1. PURPOSE

The purpose of this act is to appropriate \$111,130,100.00 from the State's Coronavirus Relief Fund for necessary expenses incurred as a result of the COVID-19 public health emergency. This appropriation shall be allocated as follows: \$43,068,500.00 for broadband connectivity and other initiatives and \$68,061,600.00 for housing initiatives.

Second: By inserting a Sec. 11a after Sec. 11, COVID-19 response; housing, to read as follows:

#### Sec. 11a. HOUSING, RENTAL ASSISTANCE, AND SUPPORT

##### SERVICES; CORONAVIRUS RELIEF FUND; APPROPRIATION

(a) The sum of \$16,061,600.00 is appropriated from the Coronavirus Relief Fund to the Department for Children and Families in fiscal year 2021 to fund programs and services that support safe, stable housing opportunities for Vermont households experiencing homelessness as a result of the COVID-19 public health emergency and related administrative costs. The programs and services funded by this appropriation may include:

(1) expanding the Vermont Rental Subsidy program to provide homeless

households with temporary rental assistance through December 30, 2020 as a bridge to public housing vouchers;

(2) providing or arranging for housing navigation and case management services, such as identifying housing barriers, needs, and preferences; developing and implementing plans to find and secure housing; conducting outreach to potential landlords; assisting with relocation logistics; developing permanent housing support crisis plans; and identifying other services necessary for households to maintain permanent housing;

(3) providing financial assistance to Vermont households who are living in motels to help them rapidly resolve their homelessness and enter into safe housing arrangements;

(4) supplementing the General Assistance motel voucher program to address the immediate housing needs of households who are currently living in motels or hotels around the State and whose motel or hotel lodging is related to a disruption to their previous housing situation as a result of the COVID-19 public health emergency; and

(5) capitalizing a housing risk pool for landlords to encourage rentals to individuals experiencing homelessness or housing insecurity, which would help landlords lessen their risk of exposure to financial loss through December 20, 2020, while renting to households that have poor or no rental housing history as result of financial hardship due to the COVID-19 public health emergency.

(b) The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this section is necessary to secure safe, stable housing opportunities for Vermont households experiencing homelessness, many of whom have been disproportionately impacted by unemployment, business closures, or business interruptions as a result of the COVID-19 public health emergency. The number of households living in State-supported motels or hotels grew from approximately 300 to 1,400 over the course of two months. The COVID-19 pandemic has rendered housing in shelters incompatible with maintaining public health; increased the number of households experiencing homelessness and in need of housing supports to obtain or maintain safe, stable housing; and created a demand for diverse social services to safely house these vulnerable Vermonters.

(c) The provision of housing programs and services is not compensable under this section to the extent that the same costs or expenses have been or will be covered by other federal funds.

**Amendment to be offered by Reps. Marcotte of Coventry Bancroft of Westford, Carroll of Bennington, Dickinson of St. Albans Town, Jerome of Brandon, Kimbell of Woodstock, Morris of Springfield, O’Sullivan of Burlington, Ralph of Hartland, and Toleno of Brattleboro to H. 966**

Representatives Marcotte of Coventry, Bancroft of Westford, Carroll of Bennington, Dickinson of St. Albans Town, Jerome of Brandon, Kimbell of Woodstock, Morris of Springfield, O’Sullivan of Burlington, Ralph of Hartland, and Toleno of Brattleboro move that the bill be amended as follows:

First: By striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read:

Sec. 1. PURPOSE

The purpose of this act is to appropriate \$232,830,100.00 from the State’s Coronavirus Relief Fund for necessary expenses incurred as a result of the COVID-19 public health emergency, allocated as follows: \$43,068,500.00 for broadband connectivity and other initiatives; \$68,061,600.00 for housing initiatives; and \$121,700,000.00 for economic relief to businesses and individuals.

Second: Following Sec. 10, by inserting a reader assistance heading and Secs. 10a–10e to read:

\* \* \* COVID-19; Economic Relief for Businesses and Individuals \* \* \*

Sec. 10a. ECONOMIC RELIEF FOR BUSINESSES AND INDIVIDUALS;  
CORONAVIRUS RELIEF FUND; APPROPRIATIONS

(a) Determination of necessity due to COVID-19. The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund pursuant to this section is necessary to provide support to individuals and businesses that have suffered economic harm due to the COVID-19 public health emergency.

(b) Appropriations. The following amounts are appropriated from the Coronavirus Relief Fund to the named recipients for the purpose specified:

(1) \$5,000,000.00 to the Working Lands Enterprise Fund, which the Working Lands Enterprise Board shall use for grants to businesses within the agricultural, food and forest, and wood products industries for:

(A) recovering from verifiable losses incurred due to the COVID-19 public health emergency; and

(B) developing new products or markets necessary for the sustainable viability of the business because of changes in the supply chain and relevant markets due to the COVID-19 public health emergency.

(2) \$5,000,000.00 to the Vermont Community Loan Fund, of which the Fund shall allocate \$2,500,000.00 to issue grants of not more than \$10,000.00 to woman-owned businesses and \$2,500,000.00 to issue grants of not more than \$10,000.00 to minority-owned businesses, to address economic harm suffered due to the COVID-19 public health emergency.

(A) A business is eligible for a grant if:

(i) The business suffered a 50 percent or greater reduction in revenue in a monthly or quarterly period from March 1, 2020 to September 1, 2020 as compared to the same period in 2019.

(ii) The business has no, or not more than five, employees.

(iii) A woman or a minority individual owns not less than 51 percent of the business, and the business meets the standard for being woman- or minority-owned established by the Department of Buildings and General Services.

(iv) The business certifies that it meets the eligibility requirements, that it will use funds for COVID-19 related business expenses on or before December 20, 2020, that it will document the expenses, that grants are subject to audit for three years, and that false or fraudulent claims will be prosecuted.

(B) The Vermont Commission on Women shall design a grant application and host an online application process.

(C) The Agency of Commerce and Community Development shall provide notice to applicants concerning allowable expenditures under the CARES Act and support outreach efforts through media outlets.

(D) The Vermont Commission on Women and a host nonprofit that works with minority businesses shall conduct outreach within their respective business communities and provide support for applicants as they research and apply for the grants.

(E) If any funds remain both unencumbered and unspent on September 1, 2020, the Agency and the Fund shall assess the participation rates in the grant programs and reallocate funds as necessary.

(3) \$3,000,000.00 to the Agency for Commerce and Community Development for emergency economic recovery grants under Sec. 3 of S.350

(2020), as enacted, to eligible businesses that provide highway and bridge maintenance services for the Agency of Transportation or municipal highway departments, or both, and that have suffered economic harm due to the COVID-19 public health emergency.

(4) \$3,000,000.00 to the Department of Tourism and Marketing to provide marketing support to businesses that have suffered economic harm due to the COVID-19 public health emergency.

(5) \$3,000,000.00 to the Agency of Commerce and Community Development to establish a Restart Vermont Technical Support Network to make available an appropriate level of professional assistance to businesses that have suffered economic harm due to the COVID-19 public health emergency.

(A) The Agency shall issue a request for proposals to service providers to establish a group of Recovery Navigators qualified to provide businesses with assistance in revising business models, business and financial planning, and grant and loan writing support.

(B) The request for proposals issued by the Agency shall solicit service providers adequately demonstrating their qualifications in areas including:

(i) operational expertise and ability in helping businesses modernize current operating practices;

(ii) knowledge and experience in developing digital strategies for retailers needing to establish a more robust and competitive online presence;

(iii) architecture and physical space design for optimal flow in restaurants adjusting their model and space to accommodate more takeout and less seating, space for meal preparation, and food delivery logistics;

(iv) reconfiguration of manufacturing equipment and processes to enable production of personal protective equipment, as well as accommodation of safety measures resulting from the COVID-19 emergency;

(v) technology or software consulting to agricultural producers and manufacturers on the utilization of technology to solve problems; and

(vi) legal and other professional services experienced in helping businesses develop turnaround plans, including restructuring debt, prioritization of payables, and orderly unwinding businesses.

(6) \$1,000,000.00 to the Department of Housing and Community Development for grants to communities through the Better Places Program to purchase or lease equipment, including masks, sanitizing stations, hands free



door pulls, outdoor tables and chairs, and other items used towards public safety measures and the mitigation of the spread of COVID-19, while enabling local businesses and organizations to reopen.

(7) \$70,200,000.00 to the Agency of Commerce and Community Development, in consultation with the Department of Taxes, to allocate for additional emergency economic recovery grants pursuant to Secs. 2–3 of S.350 (2020), as enacted, subject to the approval of the Joint Fiscal Committee and to the following:

(A) The Agency and Department may issue grants to businesses that have suffered a 50 percent or greater reduction in revenue in a monthly or quarterly period from March 1, 2020 to September 1, 2020 as compared to the same period in 2019.

(B) If, on or before August 1, 2020, the Agency and the Department have not expended all of the funds appropriated in S.350 (2020), as enacted, the Agency and Department shall combine and distribute those funds with the amounts appropriated in this subdivision (7).

(8) \$1,500,000.00 to the Agency of Natural Resources for grants through the Outdoor Recreation Business Assistance Program.

(9) \$5,000,000 to Southeastern Vermont Community Action to act as fiscal agent for a Statewide program, Restaurants and Farmers Feeding the Hungry, the purpose of which is to provide assistance to Vermonters who are food insecure due to the COVID-19 public health emergency by engaging Vermont restaurants that have suffered economic harm due to the COVID-19 public health emergency to prepare meals using foodstuffs purchased from Vermont farms and food producers.

(A) SEVCA shall collaborate with State and nonprofit partners throughout Vermont, including the Agency of Commerce and Community Development; the Agency of Agriculture, Food and Markets; the Agency of Human Services; the Department of Public Safety; the Community Action Agencies; the Vermont Food Bank; Hunger Free Vermont; the Vermont Hunger Council; the Sustainable Jobs Fund/Farm to Plate; the Vermont Community Foundation; the Downtown Brattleboro Alliance; Shiftmeals; Mama Sezz; and others.

(B) Under the Program SEVCA and partners shall:

(i) establish multiple community-scale hubs across Vermont to coordinate restaurant engagement and distribution of not fewer than 15,000 meals per week;

(ii) engage a broad range of restaurants of various sizes to produce meals;

(iii) on average, purchase not less than 10 percent of ingredients from local farms and producers; and

(iv) augment the existing food distribution network to meet the increased food insecurity of residents.

(10) \$5,000,000.00 to the Vermont Arts Council for grants to nonprofit arts and cultural organizations that have suffered a 50 percent or greater reduction in revenue in a monthly or quarterly period from March 1, 2020 to September 1, 2020 as compared to the same period in 2019. As used in this subdivision, “revenue” does not include tax-deductible charitable donations.

(c) Administration of funds; reporting. A recipient of an appropriation to administer grants and other assistance in this section:

(1) may use funds for administrative expenses, provided that the expenses represent an increase over previously budgeted amounts and are limited to what is necessary;

(2) shall require an applicant for a grant to attest:

(A) to the intended use of a grant award;

(B) to commit to expending grant funds on or before December 20, 2020;

(C) if a business organization, that it is domiciled or has its primary place of business in Vermont as determined pursuant to guidelines adopted by the Agency of Commerce and Community Development pursuant to S.350 (2020), as enacted; and

(D) is open for business at the time of application, or is closed due to the COVID-19 public health emergency but has a good faith plan to reopen;

(3) shall disclose to applicants that all expenditures of funding from the Coronavirus Relief Fund are subject to audit by the State and may be recovered by the State if the recipient uses the funding for an ineligible purpose under the CARES Act, except in the case of a grant recipient that accepted grant funds in good faith reliance on the State concerning the business’s eligibility for, or use of, the grant award;

(4) shall transfer funds that are both unencumbered and unspent as of November 15, 2020 to the Agency of Commerce and Community Development, which the Agency shall use to make additional emergency economic recovery grants; and

(5) shall submit to the General Assembly an initial report on or before August 15, 2020, and a final report on November 15, 2020, concerning the use of appropriated funds.

(d) Prohibition on multiple sources of funding.

(1) A business may apply for a grant of Coronavirus Relief Fund monies from multiple sources; provided, however, that:

(A) A business is eligible to receive only one grant of Coronavirus Relief Fund monies from among the programs and sources authorized in this section.

(B) A business that receives a grant of Coronavirus Relief Fund monies from a program or source that is not authorized in this section is ineligible for an additional grant from among the programs and sources authorized in this section, except that a business in the dairy sector may apply for a grant under subdivision (b)(1)(B) of this section provided that the award is not for the same documented COVID-19 related economic loss covered under other assistance from the Fund.

(2) The Agency of Commerce and Community Development, the Department of Taxes, and economic development partners that receive appropriations pursuant to this section shall provide businesses with guidance and support to help identify the appropriate programs for which the business may be eligible for assistance.

(e) Public records; confidentiality.

(1) The name of a business that receives an award under this section and the amount of the award are public records subject to inspection and copying under the Public Records Act.

(2) Any application documents of a business containing federal identification numbers and sales amounts are subject to the confidentiality provisions of 32 V.S.A. § 3102 and are return information under that section.

(3) Data submitted by a business under this section to demonstrate costs or expenses shall be a trade secret exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), provided that submitted information may be used and disclosed in summary or aggregated form that does not directly or indirectly identify a business.

Sec. 10b. OUTDOOR RECREATION BUSINESS ASSISTANCE

PROGRAM; COVID-19 PUBLIC HEALTH PRECAUTIONS

(a) Purpose. The purpose of this section is to provide financial assistance to outdoor recreation businesses in the State to assist with compliance with or implementation of COVID-19 public health precautions.

(b) Definitions. As used in this section:

(1) “Outdoor recreation business” means any person conducting a business or a service within the State that offers outdoor recreation as the principle part of the business or service, including outdoor outfitters, fishing guides, snowmobile tours, ski tours, and other eligible activities approved by the Secretary. An “outdoor recreation business” includes for-profit businesses, not-for-profit businesses, and charitable organizations organized under 26 U.S.C. § 501(c)(3).

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

(c) Program establishment.

(1) The Secretary shall establish an Outdoor Recreation Business Assistance Program (Program) to provide grants to outdoor recreation businesses for costs or expenses necessary to comply with or implement COVID-19 public health precautions, including costs or expenses related to one or more of the following:

(A) cleaning or disinfection services or equipment;

(B) personal protection equipment for staff, customers, or participants;

(C) symptom monitoring or diagnosis to ensure safe participation by customers or participants;

(D) signage or informational material to inform staff, customers, and participants of necessary public health precautions;

(E) temporary staff housing necessary to maintain public health precautions;

(F) maintenance or repair of trails where damage is caused by increased usage during the declared COVID-19 public health emergency; and

(G) other improvements necessary to address public safety needs due to the COVID-19 public health emergency.

(2) In order to qualify for assistance under the Program, an outdoor recreation business shall:

(A) be currently operating or providing services; and

(B) accurately demonstrate to the Secretary or the Secretary’s

designee eligible costs or expenses that the outdoor recreation business incurred or will incur on or after March 1, 2020 and before December 20, 2020.

(e) Implementation and administration.

(1) The Secretary shall administer the Program and may implement the Program by:

(A) contracting with an independent public or private entity;

(B) contracting for or hiring up to two temporary positions at the Agency of Natural Resources; or

(C) reallocating existing Agency of Natural Resources staff positions to work exclusively on the Program or other CARES Act, Pub. L. No. 116-136 eligible activities.

(2) Notwithstanding any provision of law to the contrary, the Secretary may enter into a contract with an independent public or private entity as authorized under this section without the need to competitively bid the contract. For the purposes of the Program, the public health risk posed by COVID-19 shall be deemed to be an emergency situation that justifies the execution of a sole source contract pursuant to Bulletin 3.5, the State's Procurement and Contracting Procedures.

(e) Application; processing.

(1) The Secretary or the Secretary's designee shall create an application form that outdoor recreation businesses shall utilize when applying for an award. Applicants shall certify that all information they provide is truthful and accurate to the best of their knowledge, information, and belief.

(2) The Secretary or the Secretary's designee shall, based on the amount of cost or expense documented by the outdoor recreation business on the date the application is received, provide up to the maximum award authorized under this section. Applications shall be processed in the order received, but an application shall not be ready for evaluation until the Secretary or the Secretary's designee determines that the application is administratively complete and includes required proof of costs or expenses incurred in response to the COVID-19 public health emergency.

(3) Once an outdoor recreation business submits a complete application and demonstrates eligible costs or expenses, the Secretary or the Secretary's designee shall promptly issue a payment, provided that the appropriated funds have not been expended. The last payment may be a partial payment consisting of the remaining available funds.

(4) Each award under this section shall be a direct payment from the State of Vermont to an eligible outdoor recreation business. Outdoor recreation businesses shall not submit more than one application.

(f) Payment; maximum. The maximum amount of an award that may be awarded under this section shall be \$30,000.00.

(g) Program terms and limitations.

(1) The Secretary shall attempt to award grants equitably on a geographic basis across the State. After equity of geographic distribution is accounted for, grant payments under the Program shall be issued on a first-come, first-served basis until all funds are awarded or December 20, 2020, whichever occurs first, provided that the costs or expenses are incurred and the funds fully expended on or before December 30, 2020.

(2) The name of an outdoor recreation business that receives an award under the Program and the amount of the award are public records subject to inspection and copying under the Public Records Act.

(3) Any application documents of an outdoor recreation business containing federal identification numbers and sales amounts are subject to the confidentiality provisions of 32 V.S.A. § 3102 and are return information under that section.

(4) Data submitted by an outdoor recreation business under this section to demonstrate costs or expenses shall be a trade secret exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), provided that the Secretary may use and disclose submitted information in summary or aggregated form that does not directly or indirectly identify an outdoor recreation business.

Sec. 10c. 24 V.S.A. § 2799 is added to read:

§ 2799. BETTER PLACES PROGRAM; CROWD GRANTING

(a)(1) There is created a Better Places Fund under 32 V.S.A. chapter 7, subchapter 5.

(2) The purpose of the Fund is to utilize crowdfunding to spark community revitalization through collaborative grantmaking for projects that create, activate, or revitalize public spaces.

(3) The Department of Housing and Community Development may administer the Fund in coordination with and support from other State agencies and nonprofit and philanthropic partners.

(b) The Fund is composed of the following:

(1) State or federal funds appropriated by the General Assembly;

- (2) gifts, grants, or other contributions to the Fund;
- (3) proceeds from the issuance of general obligation bonds; and
- (4) any interest earned by the Fund.

(c) As used in this section, “public space” means an area or place that is open and accessible to all people, generally with no charge for admission, and includes village greens, squares, parks, community centers, town halls, libraries, and other publicly accessible buildings and connecting spaces such as sidewalks, streets, alleys, and trails.

(d)(1) The Department of Housing and Community Development shall establish an application process, eligibility criteria, and criteria for prioritizing assistance for awarding grants from the Fund.

(2) The Department may award a grant to a municipality or nonprofit organization for a project that is located in a designated downtown, village center, new town center, or neighborhood development area that will create a new public space or revitalize or activate an existing public space.

(3) The Department may develop matching grant eligibility requirements, such as requiring that to be eligible for a grant, a project shall use matching funds raised through a crowdfunding approach that includes multiple donors and other appropriate requirements to ensure a broad base of community and financial support for the project.

(e) The Department of Housing and Community Development, with the assistance of a fiscal agent, shall distribute funds under this section in a manner that provides funding for projects of various sizes in as many geographical areas of the State as possible.

(f) The Department of Housing and Community Development may use up to 15 percent of any appropriation to the Fund from the General Fund to assist with crowdfunding, administration, and technological needs of the Better Places Program.

(g) Beginning on January 15, 2021, and annually thereafter, the Department of Housing and Community Development shall submit to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development an annual report regarding the activities and progress of the Better Places Program. The report shall:

- (1) summarize the program activities in the preceding year and report on the number of awarded grants and the total grant funds allocated;
- (2) report on partner resources and contributions to the Program; and

(3) report on any measurable economic activity that may include number of jobs created, number of visitors, the approximate number of square feet to be activated or redeveloped, and the number of volunteers engaged in the project.

#### Sec. 10d. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2021, after consideration of the formula in 21 V.S.A. § 711(b) and historical rate trends, the General Assembly determines that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall remain at the rate of 1.4 percent. The contribution rate for self-insured workers' compensation losses and workers' compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

#### Sec. 10e. FRONT-LINE EMPLOYEES HAZARD PAY GRANT PROGRAM

(a) The purpose of this section is to appropriate \$20,000,000.00 from the Coronavirus Relief Fund to provide grants to certain employers for the provision of hazard pay to front-line workers whose job placed them at an elevated risk of exposure to SARS-CoV-2 or COVID-19, or both, during the first two months of the COVID-19 public health emergency in Vermont.

(b) There is established in the Agency of Administration the Front-Line Employees Hazard Pay Grant Program to administer and award grants to certain public safety, public health, health care, and human services employers whose employees were engaged in activities substantially dedicated to mitigating or responding to the COVID-19 public health emergency during the eligible period. The Agency shall administer this program in a way that is consistent with the provisions of Secs. 12–15 of this act and section 5001 of Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116–136 (the CARES Act), as may be amended, and any guidance or regulations issued pursuant to that section.

(c) As used in this section:

(1) "Agency" means the Agency of Administration

(2)(A) "Covered employer" means an entity that employs one or more individuals in Vermont in relation to its operation of one of the following:

(i) an assisted living residence as defined in 33 V.S.A. § 7102;

(ii) a nursing home as defined in 33 V.S.A. § 7102 and any employer that a nursing home has contracted with for the provision of physical, speech, respiratory, or occupational therapy, provided that such an



employer shall only be permitted to receive a grant to provide hazard pay to its employees for therapy services provided in the nursing home;

(iii) a residential care home as defined in 33 V.S.A. § 7102;

(iv) a therapeutic community residence as defined in 33 V.S.A. § 7102;

(v) a health care facility as defined in 18 V.S.A. § 9432 or a physician's office;

(vi) a dentist's office or a dental facility;

(vii) a homeless shelter;

(viii) a home health agency as defined in 33 V.S.A. § 6302 and any employer that a home health agency has contracted with to provide physical, speech, respiratory, or occupational therapy on its behalf, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its employees for therapy services provided on behalf of the home health agency;

(ix) a federally qualified health center, rural health clinic, or clinic for the uninsured;

(x) a program licensed by the Department for Children and Families as a residential treatment program;

(xi) an ambulance service or first responder service as defined in 24 V.S.A. § 2651;

(xii) a morgue; or

(xiii) a provider of necessities and services to vulnerable or disadvantaged populations.

(B) "Covered employer" does not include:

(i) the State;

(ii) a political subdivision of the State;

(iii) the United States;

(iv) an agency designated to provide mental health or developmental disability services, or both, pursuant to 18 V.S.A. chapter 207; or

(v) an agency with which the Commissioner of Mental Health or of Disabilities, Aging, and Independent Living, or both, has contracted to provide specialized services pursuant to 18 V.S.A. § 8912.

(3)(A) “Elevated risk of exposure to COVID-19” means the performance of a job that:

(i) has high potential for exposure to known or suspected sources of COVID-19, including through;

(I) providing in-person services or care to members of the public or clients; or

(II) cleaning or sanitizing the premises of a covered employer in a location that is used by members of the public or individuals who are known or suspected to have COVID-19;

(ii) requires frequent physical contact or close contact, or both, with people who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients; or

(iii) is located in an area with ongoing community transmission of SARS-CoV-2 and requires regular, close contact with members of the public.

(B) As used in this subdivision (b)(2), “close contact” means interactions with another individual that require the employee to be within six feet of that individual.

(4)(A) “Eligible employee” means an individual who:

(i) is employed by a covered employer that has applied for a grant through the Program;

(ii) performs a job that had an elevated risk of exposure to COVID-19 during the eligible period;

(iii) was unable to perform his or her job remotely or to telework, including by providing healthcare or other services by telephone, videoconference, or telehealth;

(iv) except in the case of employees of home health agencies and nursing homes, earns an hourly base wage of \$25.00 or less;

(v) worked at least 68 hours for a covered employer during the eligible period; and

(vi) is not eligible to receive monetary benefits for the performance of his or her job under any program authorized or implemented by the federal government.

(B) Notwithstanding subdivision (A)(i) of this subdivision (4), “eligible employee” includes an independent direct support provider who

satisfies the requirements of subdivisions (A)(ii)–(vi) of subdivision (4) of this section.

(C) “Eligible employee” does not include:

(i) an independent contractor or self-employed individual; or

(ii) an individual who has received unemployment insurance benefits for any week during the eligible period.

(5) “Eligible period” means the period from March 13, 2020 through May 15, 2020, inclusive.

(6) “Independent direct support provider” has the same meaning as in 21 V.S.A. § 1631.

(7) “Program” means the Front-Line Employees Hazard Pay Grant Program.

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

(d)(1) A covered employer may apply to the Secretary for a lump sum grant to provide hazard pay to eligible employees in the following amounts for the eligible period:

(A) \$1,400.00 for eligible employees who worked at least 216 hours in a job with an elevated risk of exposure to COVID-19 during the eligible period; and

(B) \$800.00 for employees who worked at least 68 hours and less than 216 hours in a job with an elevated risk of exposure to COVID-19 during the eligible period.

(2)(A) The number of hours worked by an eligible employee during the eligible period shall include any hours of employer-provided accrued paid leave or leave provided pursuant to the Emergency Family and Medical Leave Expansion Act or the Emergency Paid Sick Leave Act that were used by the eligible employee because he or she contracted COVID-19 or was quarantined because of exposure to COVID-19.

(B) The number of hours worked by an eligible employee during the eligible period shall not include:

(i) any hours of employer-provided accrued paid leave or leave provided pursuant to the Emergency Family and Medical Leave Expansion Act or the Emergency Paid Sick Leave Act that were used by the eligible employee to care for another individual; and

(ii) any hours of remote or telework performed by the eligible employee, including the provision of healthcare or other services by telephone, videoconference, or telehealth.

(3) An eligible employee may elect not to receive hazard pay funded by a grant provided pursuant to the Program by providing notice to his or her employer pursuant to procedures adopted by the employer.

(4) For the sole purpose of the administration of the Program and the provision of hazard pay to independent direct support providers, ARIS Solutions, as the fiscal agent for the employers of the independent direct support providers, shall have the authority to apply for a grant in the same manner as a covered employer and to disburse hazard pay funded by that grant to eligible independent direct support providers.

(e) In order to qualify for a grant under the Program, the Secretary shall require a covered employer to certify that:

(1) the grant funds shall only be used to provide hazard pay to eligible employees;

(2) eligible employees receiving hazard pay funded by the grant shall not be required to pay an administrative fee or other charge in relation to the employer requesting a grant to provide the employee with hazard pay;

(3) it has established a process to permit eligible employees to elect not to receive hazard pay funded by a grant provided pursuant to the Program and record keeping procedures to track which employees have elected not to receive a grant; and

(4) the covered employer shall not reduce or otherwise recoup any compensation paid to or owed to an eligible employee for work performed during the eligible period as a result of the eligible employee receiving hazard pay funded by a grant obtained through the Program.

(f) The amount of the grant provided to a covered employer shall equal the total amount of hazard pay that its eligible employees qualify for pursuant to subsection (d) of this section.

(g) Each covered employer that receives a grant shall, not later than 90 days after receiving the grant and in no event later than December 1, 2020, report to the Agency on a standard form provided by the Secretary the amount of grant funds used to provide hazard pay to eligible employees and the amount of any remaining grant funds that were not spent. All unspent grant funds shall be returned to the Agency pursuant to a procedure adopted by the Secretary.

(h) The Secretary shall:

(1) adopt procedures for implementing the Program, which shall include a simple grant application process and a process to allow employers to report on their use of the grant funds awarded pursuant to this section;

(2) promote awareness of the Program, including through coordination with relevant trade groups and with the Agencies of Commerce and Community Development and of Human Services and the Department of Public Safety;

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

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

(i) In addition to any other reports required pursuant to this act, on or before November 15, 2020, the Secretary shall submit a report to the General Assembly concerning the implementation of this section, including:

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

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

(3) an analysis of the utilization and performance of the Program.

(j) Appropriation.

(1) The amount of \$20,000,000.00 is appropriated in fiscal year 2021 from the Coronavirus Relief Fund to the Agency for use in fiscal year 2021 for the administration and payment of grants pursuant to the Front-Line Employees Hazard Pay Grant Program established in subsection (b) of this section.

(2) Any unexpended funds remaining after October 15, 2020 shall revert to the Coronavirus Relief Fund for reallocation.

and that after passage the title of the bill be amended to read: “An act relating to COVID-19 funding and assistance for broadband connectivity, housing, and economic relief”

**Ordered to Lie**

**H. 162**

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

Pending Action: Second reading

**H. 492**

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

Pending Action: Second reading

**H. 535**

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

Pending Action: Second reading

**Consent Calendar  
Concurrent Resolutions**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of June 18, 2020

**H.C.R. 321**

House concurrent resolution in memory of former Bennington Selectboard Chair Thomas Jacobs

**H.C.R. 322**

House concurrent resolution in memory of Putnam Wentworth Blodgett

**H.C.R. 323**

House concurrent resolution congratulating the Harwood Union High School Highlanders and the Fair Haven Union High School Slaters on being named 2020 Division II girls' basketball co-champions

**H.C.R. 324**

House concurrent resolution congratulating the Chroma Technology Corporation of Bellows Falls on winning the 2019 Deane C. Davis Outstanding Business of the Year Award