

# House Calendar

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Tuesday, June 23, 2020

169th 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 Chelonioidae);

(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. 783

An act relating to recovery residences

**Rep. Killackey 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”

### **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 )

**NOTICE CALENDAR**  
**Favorable with Amendment**  
**S. 351**

An act relating to providing financial relief assistance to the agricultural community due to the COVID-19 public health emergency

**Rep. Conquest of Newbury**, for the Committee on Appropriations, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Purpose \* \* \*

Sec. 1. PURPOSE

The purpose of this act is to appropriate the following amounts to farming and forest businesses for losses, or expenses, or both, incurred as a result of the COVID-19 public health emergency:

(1) \$25,000,000.00 for the Dairy Assistance Program established under this act, provided that from the appropriated funds, \$21,200,000.00 shall be available for grant awards to milk producers, and \$3,800,000 shall be available for awards to dairy processors;

(2) \$5,000,000.00 for the Non-dairy Agricultural Producer and Processor Assistance Program established under this act;

(3) \$5,000,000.00 for the Forest Economy Stabilization Grant Program established under this act; and



(4) \$192,000.00 to the Vermont Housing and Conservation Board to provide business, financial, and mental health assistance to farm and food businesses.

\* \* \* Coronavirus Relief Fund; Administrative Provisions \* \* \*

## Sec. 2. CONSISTENCY WITH CARES ACT AND GUIDANCE

The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this act complies with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance because the economic harm to be covered:

(1) is necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);

(2) was not accounted for in Vermont's fiscal year 2020 budget; and

(3) was, or will be, incurred during the period beginning on March 1, 2020 and ending on December 30, 2020.

## Sec. 3. GRANT RECIPIENT REQUIREMENTS; REVERSION AND REALLOCATION SCHEDULE

All appropriations made from the State's Coronavirus Relief Fund (CRF) in this and other bills passed after March 1, 2020 as part of the 2020 legislative session are made with the knowledge that the statutory and regulatory context is constantly changing. Additional federal legislation may further change the potential for and appropriateness of CRF usage. As a result:

(1) Appropriations from the CRF are subject to changes in source of funds that may occur as the result of subsequent legislation or through administrative actions, where permissible by law.

(2) Specific CRF uses may need to change based on changes to federal laws or on revised or updated federal guidance.

(3) It is the responsibility of all entities receiving CRF monies to ensure compliance with all federal guidelines as to CRF spending and use.

(4) Unless otherwise authorized by the Commissioner of Finance and Management, any monies appropriated from the CRF shall revert to the CRF to the extent that they have not been expended on or before December 20, 2020 to enable reallocation.

## Sec. 4. CORONAVIRUS RELIEF FUND GRANTS; CONDITIONS

(a) Any person receiving a grant comprising monies from the Coronavirus Relief Fund shall use the monies only for purposes that comply with the

requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance.

(b) Any person who expends monies from the Coronavirus Relief Fund for purposes not eligible under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance shall be liable for repayment of the funds to the State of Vermont; provided, however, that a person shall not be liable for such repayment if the person expended the monies in good faith reliance on authorization of the proposed expenditure or specific guidance from the agency or department administering the grant program.

(c) The Attorney General or a State agency or department administering a grant program established or authorized under this act may seek appropriate criminal or civil penalties as authorized by law for a violation of the terms or conditions of the applicable program, grant, or award.

Sec. 5. CORONAVIRUS RELIEF FUND; RECORD KEEPING;  
COMPLIANCE; REPORTS

(a) In order to ensure compliance with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance, and to assist the State in demonstrating such compliance:

(1) any agency or department, and any subrecipient of a grant, that is authorized to disburse grant funds appropriated by this act shall include standard audit provisions, as required by Agency of Administration Bulletins 3.5 and 5, in all contracts, loans, and grant agreements; and

(2) each grant recipient shall report on its use of the monies received pursuant to this act to the agency or department administering the grant as required by that agency or department and shall maintain records of its expenditures of the monies for three years, or for a longer period if so required by State or federal law, to enable verification as needed.

(b) Unless otherwise provided under this act, on or before July 31, 2020 and September 1, 2020, each agency or department administering a grant program pursuant to this act shall provide information to the legislative committees of jurisdiction, including the House and Senate Committees on Appropriations, regarding its distribution of grant funds to date, the amount of grant funds that remains available for distribution, and its plans for awarding the available funds on or before December 20, 2020.

\* \* \* Dairy Assistance Program \* \* \*

Sec. 6. DAIRY ASSISTANCE PROGRAM; COVID-19 PUBLIC HEALTH  
EMERGENCY; APPROPRIATION

(a) Appropriation. The sum of \$25,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Agriculture, Food and Markets in fiscal year 2021 for the purpose of establishing the Dairy Assistance Program as set forth in this section. Of the funds appropriated under this section, \$21,200,000.00 shall be available for grant awards to milk producers, and \$3,800,000 shall be available for awards to dairy processors.

(b) Necessity. The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this section is necessary to stabilize milk producers and dairy processors based on their lost revenues related to business interruption caused by the COVID-19 public health emergency.

(c) Definitions. As used in this section:

(1) “Animal feeding operation” (AFO) means a lot or facility where livestock have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, or forage growth are not sustained in the normal growing season over any portion of the lot or facility. Two or more individual farms qualifying as an AFO that are under common ownership and that adjoin each other or use a common area or system for the disposal of waste shall be considered to be a single AFO if the combined number of livestock resulting qualifies as a medium farm as that term is defined under this subsection.

(2) “Certified small farm” means a small farm with at least 50 mature dairy cows required to certify compliance with the Required Agricultural Practices under 6 V.S.A. § 4871 and so certified as of March 1, 2020.

(3) “Dairy processor” means a person, partnership, unincorporated association, or corporation who owns or controls any place, premises, or establishment where butter, cheese, cream, buttermilk, infant formula, ice cream, yogurt, or other dairy products identified by rule by the Secretary are processed for sale.

(4) “Economic harm” means a milk producer’s or dairy processor’s expenses or lost revenues, or both related to the 2020 COVID-19 public health emergency.

(5) “Goat or sheep dairy farm” means any place or premises where one or more dairy goats or dairy sheep, or both, are kept and where a part or all of the milk from the animals is sold or offered for sale.

(6) “Good standing” means a participant in the Program administered under this section:

(A) that does not have an active enforcement violation that has reached a final order with the Agency of Agriculture, Food and Markets or the Agency of Natural Resources; and

(B) that is in compliance with all terms of a current grant agreement or contract with the Agency of Agriculture, Food and Markets or the Agency of Natural Resources.

(7) “Large farm” means an AFO that houses 700 or more mature dairy animals and where a part or all of the milk from the dairy animals is sold or offered for sale.

(8) “Medium farm” means an AFO that houses 200 to 699 mature dairy animals and where a part or all of the milk from the dairy animals is sold or offered for sale.

(9) “Milk producer” or “producer” means a person, partnership, unincorporated association, or corporation who owns or controls one or more dairy cows, dairy goats, or dairy sheep and sells or offers for sale a part or all of the milk produced by the animals.

(10) “Secretary” means the Secretary of Agriculture, Food and Markets or designee.

(11) “Small farm” means:

(A) an AFO that houses not more than 199 mature dairy cows; or

(B) a goat or sheep dairy farm where a part or all of the milk from the animals is sold or offered for sale.

(d) Program establishment; eligibility.

(1) There is established within the Agency of Agriculture, Food and Markets a Dairy Assistance Program (Program) to provide financial assistance to milk producers and dairy processors that have suffered economic harm in Vermont caused by the COVID-19 public health emergency.

(2) A milk producer or dairy processor shall be eligible to qualify for assistance under this section if:

(A)(i) the milk producer or dairy processor is currently producing milk or dairy products; or

(ii) the milk producer was producing milk on March 1, 2020, and subsequently ceased production, but submits to the Secretary a good faith plan to restart production of milk or a plan to restart operation through production of another commodity;

(B) the milk producer or dairy processor is in good standing; and

(C) the milk producer or dairy processor accurately demonstrates to the Secretary economic harm that occurred or accrued on or after March 1, 2020 and before December 1, 2020 by providing evidence of lost revenues or expenses related to business interruption caused by the COVID-19 public health emergency.

(3) A milk producer may elect to have its economic harm determined by calculating the difference between what the producer was paid for milk produced between March 1, 2020 and December 1, 2020 and the price that the producer would have been paid if the price for milk remained at the statistical uniform price of \$18.13 hundredweight for the Middlebury location in January of 2020, or the milk producer may enter its own verifiable average price for March through December 2020 and calculate the difference to its own verifiable average price for January 2020 as well as added costs or expenses related to the COVID-19 public health emergency.

(4) Economic harm is not compensable under this section if the same economic harm is covered by insurance or if the economic harm was compensated under another State or federal grant; provided, however, that this restriction does not apply to loans or advance payments for which repayment is expected.

(e) Administration; implementation.

(1) The Program shall be administered by the Agency of Agriculture, Food and Markets, which shall award available funds to milk producers or dairy processors that demonstrate economic harm.

(2) The Secretary shall create an application form that milk producers and dairy processors shall utilize when applying for assistance. Applicants shall certify that all information they provide is truthful and accurate to the best of their knowledge, information, and belief.

(3) The Secretary shall, based on the amount of economic harm incurred by the milk producer or dairy processor on the date the application is received, provide up to the maximum award permitted for each type of qualified farm or processor tier. Applications shall be processed in the order received, but an application shall not be ready for evaluation until the Secretary determines that the application is administratively complete and includes all required proof of economic harm.

(f) Payment; maximum award.

(1) Until all funds appropriated to the Program for milk producers are awarded, the Secretary shall award assistance as grants to reimburse qualified

milk producers for demonstrated economic harm up to the following maximum amounts:

(A) Small farms shall receive up to \$18,300.00.

(B) Certified small farms shall receive up to \$34,300.00.

(C) Medium farms shall receive up to \$56,000.00.

(D) Large farms shall receive up to \$100,000.00.

(2) Until all funds appropriated to the Program for dairy processors are awarded, the Secretary shall award payments as grants to reimburse qualified dairy processors for demonstrated economic harm up to the following maximum amounts:

(A) Dairy processors that process less than 500 pounds of milk per day shall receive up to \$31,000.00.

(B) Dairy processors that process from 500 to 9,999 pounds of milk per day shall receive up to \$40,000.00.

(C) Dairy processors that process from 10,000 to 49,999 pounds of milk per day shall receive up to \$50,000.00.

(D) Dairy processors that process 50,000 pounds or more of milk per day shall receive up to \$60,000.00.

(3) To determine maximum grant eligibility, each milk producer shall be evaluated within the farm type known to the Secretary as of March 1, 2020, and each dairy processor shall be evaluated within the milk processing size known to the Secretary as of March 1, 2020.

(g) Application; processing.

(1) Once a milk producer or dairy processor submits a complete application and demonstrates economic harm, the Secretary shall promptly issue a grant payment, provided that the appropriated funds have not been expended. Initial applications shall be submitted not later than October 1, 2020, and the last grant payment may be a partial payment consisting of the remaining available funds.

(2) Whenever a milk producer or dairy processor has not demonstrated economic harm equal to or greater than the maximum allowed disbursement for its category, the application shall remain pending for a potential future showing of additional economic harm. Qualified milk producers or dairy processors that incur additional economic harm after the date of their initial application may file with the Secretary an addendum to demonstrate subsequent economic harm. The Secretary shall create an addendum form that

milk producers and dairy processors shall utilize when applying for additional relief. Milk producers and dairy processors shall certify that all information they provide is truthful and accurate to the best of their knowledge, information, and belief. Eligible milk producers or dairy processors may submit an addendum to their initial application on or before October 1, 2020 to show any additional economic harm eligible for compensatory payment. No milk producer or dairy processor shall receive total grant payments that exceed the maximum allowed grant payment.

(3) All submitted initial applications shall be processed before considering addenda demonstrating additional economic harm, and each addendum shall be processed in the order received. An addendum shall not be ready for evaluation until the Secretary receives all required proof of economic harm and deems the application administratively complete. Once an eligible milk producer or dairy processor submits a complete addendum and demonstrates additional economic harm, the Secretary 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 grant award shall be a direct payment from the State of Vermont to a milk producer or dairy processor. Except as provided under this section, a dairy processor shall not submit more than one application, and a milk producer shall not submit more than one application per each separate farm owned or controlled by the producer. A person who is both a milk producer and a dairy processor may submit one application as a milk producer and one as a dairy processor when each business is organized as a separate business entity. A person that is both a milk producer and a dairy processor but is not organized as separate business entities shall submit one application for assistance under this section, but will be eligible for assistance as a milk producer and a dairy processor, provided that the total assistance awarded under this section shall not exceed the total economic harm incurred by the applicant. The Secretary may ask an applicant that is both a milk producer and a dairy processor but is not organized as separate business entities to submit separate applications as a milk producer and a dairy processor if separate applications are more administratively efficient. A milk producer or dairy processor that does not initially qualify for the maximum allowed payment may submit an addendum to demonstrate additional economic harm not later than October 1, 2020.

(h) Program terms and limitations.

(1) The Secretary of Agriculture, Food and Markets shall issue grant payments under this section on a first-come, first-served basis until all funds are expended or December 20, 2020, whichever is sooner.

(2) The name of a milk producer or dairy processor 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.

(3) Any application documents of a milk producer or dairy processor 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 or information submitted to the Secretary by a milk producer or dairy processor under this section to demonstrate economic harm 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 individual milk producer or dairy processor.

(5) Notwithstanding any law or State grant requirement to the contrary, a milk producer or dairy processor shall not be denied participation in the Program or have a payment withheld, set off, or reduced for failure to be in full compliance with any obligation to pay any or all taxes due to the State of Vermont.

\* \* \* Non-dairy Agricultural Producer and Processor Assistance Program \* \* \*

#### Sec. 7. NON-DAIRY AGRICULTURAL PRODUCER AND PROCESSOR ASSISTANCE PROGRAM

(a) Appropriations. The sum of \$5,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Agriculture, Food and Markets in fiscal year 2021 for the purpose of establishing the Non-dairy Agricultural Producer and Processor Assistance Program as set forth in this section. The Agency of Agriculture, Food and Markets shall enter into a memorandum of understanding with the Vermont Economic Development Authority for the implementation and administration of the Non-dairy Agricultural Producer and Processor Assistance Program.

(b) Necessity. The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this section is necessary to stabilize agricultural producers, commercial processors, commercial slaughterhouses, and farmers' markets based on their lost revenues and expenses related to business interruption caused by the COVID-19 public health emergency.



(c) Definitions. As used in this section:

(1) “Agricultural producer” means a farmer who is not eligible for assistance under the Dairy Assistance Program established under this act and who has produced a gross annual income of \$10,000.00 from the sale of agricultural products, livestock, livestock products, or poultry products in one of the two, or three of the five, calendar years preceding submission of an application under this section.

(2) “Agricultural product” means any raw agricultural commodity, as defined in 6 V.S.A. § 21(6), that is principally produced on a farm and includes products prepared from the raw agricultural commodities principally produced on the farm.

(3) “Commercial processor” means any person who maintains an establishment regulated under 6 V.S.A. chapter 204 for the purpose of processing livestock, meat, meat food product, poultry, or poultry product other than for the exclusive use in the household of the owner of the commodity, by him or her and members of his or her household and his or her nonpaying guests and employees.

(4) “Commercial slaughterhouse” means any person engaged in the business of slaughtering livestock or poultry other than as a custom slaughterer or a person conducting slaughter under 6 V.S.A. § 3312(b), (c), or (d).

(5) “Economic harm” means an eligible applicant’s expenses or lost revenue, or both, related to the 2020 COVID-19 public health emergency.

(6) “Eligible applicant” means any agricultural producer, commercial processor, commercial slaughterhouse, or farmers’ market that suffered qualifying economic harm under this section.

(7) “Farmer” means a person who is engaged in farming and subject to the Required Agricultural Practices Rule.

(8) “Farmers’ market” means an event or series of events at which two or more vendors of agricultural products, as defined in 11 V.S.A. § 991, gather for purposes of offering for sale to the public their agricultural products.

(9) “Farming” has the same meaning as in 10 V.S.A. § 6001.

(10) “Good standing” means a participant in the Program administered under this section:

(A) that does not have an active enforcement violation that has reached a final order with the Agency of Agriculture, Food and Markets or the Agency of Natural Resources; and

(B) that is in compliance with all terms of a current grant agreement or contract with the Agency of Agriculture, Food and Markets or the Agency of Natural Resources.

(11) “Livestock” means cattle, cow/calf pairs, youngstock, heifers, bulls, American bison, swine, sheep, goats, horses, cervids, camelids, ratites, rabbits, pheasants, chukar partridge, coturnix quail, laying hens, broilers, ducks, turkeys, or any other type of fowl as designated by the Secretary.

(12) “Livestock product” means any carcass, or part of a carcass, meat, or meat food product of any livestock.

(13) “Poultry product” means any poultry carcass or part of a carcass; or any product that is made wholly or in part from any poultry carcass or part of a carcass.

(14) “Secretary” means the Secretary of Agriculture, Food and Markets.

(d) Administration of Program; eligibility.

(1) The Vermont Economic Development Authority shall administer a Program according to the terms of a memorandum of understanding with the Agency of Agriculture, Food, and Markets and shall approve applications for assistance under this section to offset the economic harm incurred due to the COVID-19 public health emergency.

(2) In order to qualify for assistance under this section, an eligible applicant shall:

(A) be currently operating a farm, a commercial processing facility, a commercial slaughterhouse, or a farmers’ market;

(B) be in good standing; and

(C) accurately demonstrate to the Vermont Economic Development Authority the economic harm that occurred or accrued on or after March 1, 2020 and before December 1, 2020 by providing evidence of losses or expenses related to business interruption caused by the COVID-19 public health emergency.

(3) Based on federal law and guidance, the Vermont Economic Development Authority, in consultation with the Agency of Agriculture, Food and Markets, shall establish guidelines identifying the specific types of costs for which grant recipients may use grant funds, provided that essential operating expenses to respond to the COVID-19 public health emergency and maintain operation of an eligible applicant shall be eligible uses of grants under this section.

(4) Economic harm is not compensable under this section if the same economic harm is covered by insurance or if the economic harm was compensated under another State or federal grant; provided, however, that this restriction does not apply to loans or advance payments for which repayment is expected.

(5) An eligible applicant shall not receive an award under this section if the applicant had a net business profit between March 1, 2020 and August 1, 2020.

(e) Implementation.

(1) The Vermont Economic Development Authority shall create an application form that eligible applicants shall utilize when applying for relief. Eligible applicants shall certify that all information they provide is truthful and accurate to the best of their knowledge, information, and belief.

(3) The Vermont Economic Development Authority shall, based on the amount of economic harm incurred by the eligible applicant on the date the application is received, provide up to the maximum award. Applications shall be processed in the order received, but an application shall not be ready for evaluation until the Vermont Economic Development Authority determines that the application is administratively complete and includes all required proof of economic harm.

(4) The Vermont Economic Development Authority may use not less than five percent and up to 8 percent of the appropriation for this Program for administrative costs of implementing and administering the Program provided that the expenses represent an increase over previously budgeted amounts and are limited to what is necessary.

(f) Payment; maximum award.

(1) Until all funds appropriated to the Program are awarded, the Vermont Economic Development Authority shall award grant payments to reimburse eligible applicants for demonstrated economic harm as follows based on annual gross sales:

(A) Eligible applicants with annual gross sales of \$10,000.00 to \$24,999.00 shall receive up to \$2,500.00.

(B) Eligible applicants with annual gross sales of \$25,000.00 to \$49,999.00 shall receive up to \$5,000.00.

(C) Eligible applicants with annual gross sales of \$50,000.00 to \$99,999.00 shall receive up to \$10,000.00.

(D) Eligible applicants with annual gross sales of \$100,000.00 or more shall receive up to \$20,000.00.

(2) An eligible applicant shall be evaluated according to the information regarding the applicant known to the Secretary or the Vermont Economic Development Authority as of March 1, 2020 or according to information required to be submitted as part of the application.

(g) Application; processing.

(1) Once an eligible applicant submits a complete application and demonstrates economic harm, the Vermont Economic Development Authority shall promptly approve a grant payment, provided that the appropriated funds have not been expended. Applications shall be submitted not later than October 1, 2020, and the last payment may be a partial payment consisting of the remaining available funds.

(2) Each assistance payment shall be a direct grant payment from the State Treasurer to an eligible applicant. Eligible applicants shall not submit more than one application per each separate farm or business owned or controlled by the producer or processor.

(h) Program terms and limitations.

(1) The Vermont Economic Development Authority shall approve grant payments under this section on a first-come, first-served basis until funds are expended or December 20, 2020, whichever is sooner.

(2) The name of an eligible applicant 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.

(3) Any application documents of an eligible applicant 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 and information submitted to the Secretary or to the Vermont Economic Development Authority by an eligible applicant under this section to demonstrate economic harm shall be a trade secret exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), provided that:

(A) the Secretary or the Vermont Economic Development Authority may use and disclose such information in summary or aggregated form that does not directly or indirectly identify an individual eligible applicant; and

(B) the Vermont Economic Development Authority shall provide to the Secretary the name and contact information of any eligible applicant that

receives an award under this section so that the Secretary may begin to establish a database or record of the non-dairy agricultural producers, commercial processors, commercial slaughterhouses, and farmers' markets in the State.

(5) Notwithstanding any law or State grant requirement to the contrary, an eligible applicant shall not be denied participation in the Program or have a payment withheld, set off, or reduced for failure to be in full compliance with any obligation to pay any or all taxes due to the State of Vermont.

\* \* \* Assistance Outreach \* \* \*

## Sec. 8. EDUCATION AND OUTREACH; AGRICULTURAL

### ASSISTANCE PROGRAMS; REPORTING; REVERSION

(a) The Secretary of Agriculture, Food and Markets, in consultation with interested parties and partner organizations, shall conduct outreach and education regarding the availability of financial assistance to farmers and agricultural processors under the Dairy Assistance Program and the Non-dairy Agricultural Producer and Processor Assistance Program established under this act.

(b) The Secretary of Agriculture, Food and Markets shall prepare a short survey that applicants under the Dairy Assistance Program and the Non-dairy Agricultural Producer and Processor Assistance Program established under this act shall complete to help identify farmers and agricultural processors that are interested in technical assistance, succession planning, or similar services provided by the State and its agricultural partners.

(c) The Secretary of Agriculture, Food and Markets, beginning on July 1, 2020 and ending on January 1, 2021, shall report to the Senate Committees on Agriculture and on Appropriations and the House Committees on Agriculture and Forestry and on Appropriations on the first day of each month regarding the status of the Dairy Assistance Program and the Non-dairy Agricultural Producer and Processor Assistance Program established by this act. The report shall include:

(1) the number of applicants for assistance in each month and overall; and

(2) the amount of grant funds awarded under each program.

(d) In the September 1, 2020 report required under subsection (c) of this section, the Secretary of Agriculture, Food and Markets shall provide an accounting of the funds remaining to be appropriated under the Non-dairy Agricultural Producer and Processor Assistance Program. If Non-dairy

Agricultural Producer and Processor Assistance Program funds remain unappropriated on September 15, 2020, the Secretary of Agriculture, Food and Markets may reallocate funds from the Non-dairy Agricultural Producer and Processor Assistance Program for award under the Dairy Assistance Program.

\* \* \* Forest Economy Stabilization Grants \* \* \*

Sec. 9. FOREST ECONOMY STABILIZATION GRANT PROGRAM;

CORONAVIRUS RELIEF FUND; APPROPRIATION

(a) The sum of \$5,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Natural Resources in fiscal year 2021 for the purpose of establishing the Forest Economy Stabilization Grant Program as set forth in this section. The Agency of Natural Resources shall enter into memorandum of understanding with the Vermont Economic Development Authority for the implementation and administration of the Forest Economy Stabilization Grant Program.

(b) The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this section is necessary to stabilize forest products businesses due to lost revenues and expenses related to the business interruptions caused by the COVID-19 public health emergency. Low-grade wood constitutes nearly three-quarters of the annual timber harvest in Vermont, and low-grade wood is a key component to paper making. However, the COVID-19 public health emergency has reduced market demand for paper in offices, schools, institutions, advertising, and many other outlets. As a result, millions of tons of unsold paper are stockpiled in warehouses at paper mills, thereby freezing the supply chain for paper making and other associated products harvested and processed from Vermont forests. In addition, low-grade pulpwood chips that would have been used to make paper are being diverted to wood-fired electric plants, thereby displacing the use of whole-tree chips normally supplied by logging contractors delivering whole-tree chips. As a result of these market and supply chain disruptions caused by the COVID-19 public health emergency, forest products businesses are suffering significant business interruptions that restrict the ability of logging contractors to harvest, limit timber sales, diminish landowner return, reduce the supply of forest products to processors that have viable markets, and significantly reduce the need for services from haulers, foresters, and other forest products businesses.

(c) As used in this section:

(1) "Economic harm" means a forest products business's expenses or lost revenues, or both, related to the 2020 COVID-19 public health emergency.

(2) “Forest products business” means a Vermont enterprise that is primarily engaged in managing, harvesting, trucking, processing, manufacturing, crafting, or distributing forest or wood products derived from Vermont forests. “Forest products business” includes consulting forestry services and secondary manufacturers of wood products.

(d)(1) The Vermont Economic Development Authority shall administer the Forest Economy Stabilization Grant Program according to the terms of the memorandum of understanding with the Agency of Natural Resources and shall approve application for assistance under this section for eligible forest products businesses that have suffered economic harm.

(2) A forest products business shall qualify for assistance under the Program if the business:

(A) was operating in the State on or before February 1, 2020; and

(B) accurately demonstrates to the Vermont Economic Development Authority economic harm that occurred or accrued on or after March 1, 2020 and before December 1, 2020 by providing evidence of lost revenues or expenses related to business interruption caused by the COVID-19 public health emergency.

(3) Based on federal law and guidance, the Vermont Economic Development Authority, in consultation with the Department of Forests, Parks, and Recreation, shall establish guidelines identifying the specific types of costs for which grant recipients may use grant funds, provided that essential operating expenses to respond to the COVID-19 public health emergency and maintain operation of a forest products business shall be eligible uses of grants under this section.

(4) Economic harm is not compensable under this section if the same economic harm is covered by insurance or if the economic harm was compensated under another State or federal grant; provided, however, that this restriction does not apply to loans or advance payments for which repayment is expected.

(e)(1) The Vermont Economic Development Authority, in consultation with the Department of Forests, Parks, and Recreation, shall create an application form that forest products businesses shall utilize when applying for assistance. Applicants shall certify that all information they provide is truthful and accurate to the best of their knowledge, information, and belief.

(2) The Vermont Economic Development Authority shall, based on the amount of economic harm incurred by the forest products business on the date the application is received, provide up to the maximum award permitted under

this section. Applications shall be processed in the order received, but an application shall not be ready for evaluation until the Vermont Economic Development Authority determines that the application is administratively complete and includes all required proof of economic harm.

(3) Until all funds appropriated to the Forest Economy Stabilization Grant Program are awarded, the Vermont Economic Development Authority shall approve applications for grants to reimburse qualified forest products businesses for demonstrated economic harm up to the maximum amount of \$100,000.00 for each eligible forest products business.

(4) Grants to be awarded pursuant to this section shall be disbursed as a single payment. All funds shall be disbursed, and cover economic harm incurred, on or before December 30, 2020 as required by the CARES Act.

(5) The Vermont Economic Development Authority may use not less than five percent and up to 8 percent of the appropriation for this Program for administrative costs of implementing and administering the Program provided that the expenses represent an increase over previously budgeted amounts and are limited to what is necessary.

(f)(1) The Vermont Economic Development Authority shall approve applications for grant payments under this section on a first-come, first-served basis until all funds are expended or December 20, 2020, whichever is sooner. Each grant payment shall be a direct grant payment from the State Treasurer to an eligible applicant.

(2) Any application documents of a forest products 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 to the Secretary by a forest products business under this section to demonstrate economic harm 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 individual forest products business.



(g) On or before July 31, 2020, the Agency of Natural Resources shall provide information to the House Committees on Appropriations, on Agriculture and Forestry, and on Natural Resources, Fish and Wildlife and the Senate Committees on Appropriations, on Agriculture, and on Natural Resources and Energy regarding the Vermont Economic Development Authority's distribution of Forest Economy Stabilization Grant Program grant funds to date, including the types of enterprises awarded funds, the aggregate amounts awarded by enterprise, and the aggregate amounts awarded by geographic region of the State. The Vermont Economic Development Authority shall provide an updated version of the report required under this section to the General Assembly on or before September 1, 2020 and on or before January 1, 2021.

\* \* \* Farm Worker Safety \* \* \*

Sec. 10. FARM WORKER HEALTH AND SAFETY; CORONAVIRUS;  
AVAILABILITY

The Secretary of Agriculture, Food and Markets, after consultation with the Department of Labor and the Vermont Occupational Safety and Health Administration (VOSHA), shall post on the Agency of Agriculture, Food and Markets' website educational material available from VOSHA related to farm worker health and safety, including VOSHA's recommended best practices or preventative measures farm workers should implement to address the threat to health and safety posed by the COVID-19 coronavirus and other similar threats to health and safety. The Secretary of Agriculture, Food and Markets shall post the English and Spanish language versions of the VOSHA educational material required under this section and shall provide links or references on how to obtain the material from VOSHA in other languages.

\* \* \* VHCB; COVID-19 Business Consulting for Farms \* \* \*

Sec. 11. APPROPRIATIONS; VHCB; COVID-19 CONSULTING  
SERVICES FOR FARM AND FOOD BUSINESSES

In addition to funds appropriated in fiscal year 2021 to the Vermont Housing and Conservation Board (VHCB), \$192,000.00 is appropriated to VHCB from the Coronavirus Relief Fund to provide business, financial, and mental health assistance to farm and food businesses that suffered losses or expenses due to business interruptions caused by the COVID-19 public health emergency. Consulting services shall include information and assistance with accessing federal and State COVID-19 relief funds, access to additional markets, diversification of income streams, access to mental health services, and other assistance farm and food businesses may require to address or

recover from business interruption caused by the COVID-19 public health emergency.

\* \* \* VHCB; Authority \* \* \*

Sec. 12. 10 V.S.A. § 321 is amended to read:

§ 321. GENERAL POWERS AND DUTIES

(a) The Board shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter, including those general powers provided to a business corporation by Title 11A and those general powers provided to a nonprofit corporation by Title 11B and including, without limitation of the general powers under Titles 11A and 11B, the power to:

(1) upon application from an eligible applicant in a form prescribed by the Board, provide funding in the form of grants or loans for eligible activities;

(2) enter into cooperative agreements with private organizations or individuals or with any agency or instrumentality of the United States or of this State to carry out the purposes of this chapter;

(3) issue rules in accordance with 3 V.S.A. chapter 25 for the purpose of administering the provisions of this chapter; ~~and~~

(4) transfer funds to the Department of Housing and Community Development to carry out the purposes of this chapter;

(5) make and execute all legal documents necessary or convenient for the exercise of its powers and functions under this chapter, including legal documents that may be made and executed with the State or any of its agencies or instrumentalities, with the United States or any of its agencies or instrumentalities or with private corporations or individuals;

(6) receive and accept grants from any source to be held, used, or applied or awarded to carry out the purposes of this chapter subject to the conditions upon which the grants, aid, or contributions may be made;

(7) make and publish rules and regulations respecting its housing programs and such other rules and regulations as are necessary to effectuate its corporate purposes; and

(8) do any and all things necessary or convenient to effectuate the purposes and provisions of this chapter and to carry out its purposes and exercise the powers given and granted in this chapter.

(b)(1) The Board shall seek out and fund nonprofit organizations and municipalities that can assist any region of the State that has high housing

prices, high unemployment, and or low per capita incomes in obtaining grants and loans under this chapter for perpetually affordable housing.

(2) The Board shall administer the “HOME” affordable housing program ~~which~~ that was enacted under Title II of the Cranston-Gonzalez National Affordable Housing Act (Title II, P.L. 101-625, 42 U.S.C. 12701-12839). The State of Vermont, as a participating jurisdiction designated by Department of Housing and Urban Development, shall enter into a written memorandum of understanding with the Board, as subrecipient, authorizing the use of HOME funds for eligible activities in accordance with applicable federal law and regulations. HOME funds shall be used to implement and effectuate the policies and purposes of this chapter related to affordable housing. The memorandum of understanding shall include performance measures and results that the Board will annually report on to the Vermont Department of Housing and Community Development.

(c) On behalf of the State of Vermont, the Board shall be the exclusive designated entity to seek and administer federal affordable housing funds available from the Department of Housing and Urban Development under the national Housing Trust Fund ~~which~~ that was enacted under HR 3221, Division A, Title 1, Subtitle B, Section 1131 of the Housing and Economic Reform Act of 2008 (P.L. 110-289) to increase perpetually affordable rental housing and home ownership for low and very low income families. The Board is also authorized to receive and administer federal funds or enter into cooperative agreements for a shared appreciation and/or community land trust demonstration program that increases perpetually affordable homeownership options for lower income Vermonters and promotes such options both within and outside Vermont.

(d) On behalf of the State of Vermont, the Board shall seek and administer federal farmland protection and forestland conservation funds to facilitate the acquisition of interests in land to protect and preserve in perpetuity important farmland for future agricultural use and forestland for future forestry use. Such funds shall be used to implement and effectuate the policies and purposes of this chapter. In seeking federal farmland protection and forestland conservation funds under this subsection, the Board shall seek to maximize State participation in the federal Wetlands Reserve Program and ~~such~~ other programs as is appropriate to allow for increased or additional implementation of conservation practices on farmland and forestland protected or preserved under this chapter.

(e) The Board shall inform all grant applicants and recipients of funds derived from the annual capital appropriations and State bonding act of the following: “The Vermont Housing and Conservation Trust Fund is funded by

the taxpayers of the State of Vermont, at the direction of the General Assembly, through the annual Capital Appropriation and State Bonding Act.” An appropriate placard shall, if feasible, be displayed at the location of the proposed grant activity.

Sec. 13. 2017 Acts and Resolves No. 77, Sec. 12 is amended to read:

Sec. 12. ~~REPEALS REPEAL~~

~~(a) 10 V.S.A. chapter 15, subchapter 4 (Rural Economic Development Initiative) shall be repealed on July 1, 2021; and~~

(b) 6 V.S.A. § 4828(d) (phosphorus removal grant criteria) shall be repealed on July 1, 2023.

\* \* \* Effective Date \* \* \*

Sec. 14. EFFECTIVE DATE

This act shall take effect on passage.

**Favorable**

**S. 349**

An act relating to emergency funding for local government

**Rep. Townsend of South Burlington**, for the Committee on Appropriations, recommends that the bill ought to pass in concurrence.

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

**(For text see Senate Journal June 3, 2020, page 685 )**

**Amendment to be offered by Reps Gannon of Wilmington, Gardner of Richmond, Harrison of Chittenden, Brownell of Pownal, Colston of Winooski, Copeland Hanzas of Bradford, Hooper of Burlington, Kitzmiller of Montpelier, LaClair of Barre Town, Mrowicki of Putney, and Palasik of Milton to S. 349**

Representatives Gannon of Wilmington, Gardner of Richmond, Harrison of Chittenden, Brownell of Pownal, Colston of Winooski, Copeland Hanzas of Bradford, Hooper of Burlington, Kitzmiller of Montpelier, LaClair of Barre Town, Mrowicki of Putney, and Palasik of Milton move that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. COVID-19 EXPENSE REIMBURSEMENT; LOCAL  
GOVERNMENT

(a) In fiscal year 2020, \$5,200,000.00 shall be appropriated from the Coronavirus Relief Fund to the Agency of Administration for the purpose of issuing grants to units of local government to reimburse eligible COVID-19 expenses incurred on or before December 30, 2020, including hazard pay, supplies and equipment, sanitation, facility alterations, overtime compensation, redirection of staff for first-response needs, and any other eligible COVID-19 expenses not covered by other funding sources, including funding provided by the Federal Emergency Management Agency. To be eligible for reimbursement under this section, COVID-19 expenses shall be consistent with the uses authorized in section 5001 of the 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.

(b) The Secretary of Administration or designee shall develop grant guidelines for determining eligibility of COVID-19 expenses and requirements for reimbursement for units of local government. In determining the allocation of reimbursements under this section, the Secretary may prioritize need, including the local unemployment rate and the percent of eligible COVID-19 expenses relative to the total budget.

(c) From the amount appropriated to the Agency of Administration under this section, the Secretary or designee shall allocate:

(1) \$4,850,000.00 in grants that shall not exceed \$200,000.00 per recipient for reimbursement of eligible COVID-19 expenses to the following:

(A) Vermont counties in amounts that shall not exceed \$1.00 per person as determined from the 2019 town census data published by the U.S. Census Bureau; and

(B) Vermont cities, towns, unorganized towns or gores, and any of the unified towns and gores of Essex County including those incurred by incorporated villages, fire districts, consolidated water districts created under 24 V.S.A. chapter 91, and consolidated sewer districts created under 24 V.S.A. chapter 105 therein. Grants allocated under this subdivision (c)(1)(B) shall not exceed \$20.00 per person as determined from the 2019 town census data published by the U.S. Census Bureau.

(2) \$200,000.00 to solid waste management districts organized under 24 V.S.A. chapter 121 in grants for reimbursement of eligible COVID-19 expenses. The Secretary or designee may determine any limitations to the amount of the grants allocated under this subdivision.

(3) An amount not to exceed \$150,000.00 may be used to contract with one or more regional planning commissions for technical assistance to be provided to units of local government in identifying and documenting eligible COVID-19 expenses. Notwithstanding any other contrary provision of law, the contract may be a sole source contract.

(4) In the event that applications for reimbursements exceed the amounts allocated, grants may be prorated and the Secretary or designee shall prioritize grants to municipalities with populations under 2,500.

(d) On or before September 15, 2020, the Secretary of Administration shall report to the Joint Fiscal Committee on program development and eligible COVID-19 expenses reimbursed pursuant to this section. The Secretary shall provide recommendations for any legislative action, including reallocation of funds for reimbursement of eligible local government COVID-19 expenses.

## Sec. 2. DEFINITIONS

(1) “CARES Act” means the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No.116–136, as amended, and any guidance and regulations issued under that act.

(2) “Municipality” means a city, town, or incorporated village.

(3) “Eligible use” means a use of grant funds permitted under the CARES Act to assist a municipality in digitizing land records for online public access during municipal office closures due to the COVID-19 public health emergency.

## Sec. 3. CORONAVIRUS MUNICIPAL RECORDS DIGITIZATION

### GRANTS; AGENCY OF ADMINISTRATION

(a) Authorization; appropriation. Of the funds available in the Coronavirus Relief Fund, the amount of \$5,000,000.00 is appropriated to the Agency of Administration to provide grants to eligible municipalities pursuant to this section.

(b) Requirements for grant applicants. A municipality may apply for a grant for an eligible use, provided that:

(1) The municipality was compelled to close its municipal offices or limit access to land records due to the COVID-19 public health emergency response.

(2) The municipality has established and maintained a Restoration and Preservation Reserve Fund pursuant to 32 V.S.A. § 1671.

(c) Grant amount; terms.

(1) The Agency shall establish a formula for determining the amount of grant awards, which shall include a maximum grant amount. The amount of each grant shall be sufficient to ensure that the preceding 40 years of a municipality’s land records may be digitized and made available to the public online.

(2) The Agency shall consider whether and by how much grant awards should be adjusted based on:

(A) whether a municipality has received financial assistance from other sources;

(B) the funds available for digitization in a municipality's Restoration and Preservation Reserve Fund;

(C) the number of property transactions within a municipality based on property transfer tax data reported by the Department of Taxes; and

(D) whether a municipality closed or limited access to the municipal clerk's offices during the COVID-19 public health emergency.

#### Sec. 4. GUIDELINES; REPORTING

(a) Guidelines. Not later than ten days after the effective date of this act, the Agency of Administration shall publish guidelines governing the implementation of the grant program, which at minimum shall establish:

(1) application and award procedures;

(2) standards for eligible uses of grant funds;

(3) standards governing the amount of grant awards to ensure:

(A) the equitable distribution of funds among regions of the State; and

(B) that grants are based on need and will have a meaningful impact on the ability of the public to access digitized land records online;

(4) procedures to ensure that grant awards comply with the requirements of the CARES Act and that the State maintains adequate records to demonstrate compliance with the Act; and

(5) procedures to prevent, detect, and mitigate fraud, waste, error, and abuse.

(b) Consultation. Before publishing guidelines pursuant to subsection (a) of this section, the Agency shall consult with representatives of the Vermont League of Cities and Towns, the Vermont Municipal Clerks and Treasurers Association, and the Vermont Bar Association.

(c) Reporting. The Agency shall:

(1) provide weekly updates and information concerning grant guidelines, awards, and implementation to the committees of jurisdiction of the General Assembly; and

(2) submit a report to the General Assembly on or before August 15, 2020 detailing the implementation of this section, including specific information concerning the amount and identity of grant recipients, the amount of grant funds expended for eligible uses, and the progress made to expend the grant program funds by December 20, 2020, which shall be publicly available.

(d) In the event that the federal Department of the Treasury determines that an expenditure of funds made available from the CARES Act was not necessary or was otherwise impermissible under the Act, the Agency shall hold harmless any grant recipient that accepted grant funds in good faith reliance on the State concerning the municipality's application for, or use of, the grant award.

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

### **Senate Proposal of Amendment**

#### **H. 961**

An act relating to making first quarter fiscal year 2021 appropriations for the support of State government, federal Coronavirus Relief Fund (CRF) appropriations, pay act appropriations, and other fiscal requirements for the first part of the fiscal year

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:

\* \* \* Transitional Fiscal Year 2021 First Quarter Appropriations \* \* \*

#### Sec. A.1. INTENT

(a) Intent. Due to the COVID-19 pandemic, revenue into the State's major funds are forecast to be significantly reduced. At the time of the passage of this act, the full degree of this impact remains undefined. In addition, it is unclear if there will be changes in guidance concerning the use of current federal relief funding or if additional federal funding will be made available to the State. The intent of this transitional budget bill is to provide spending authority for the State to operate in the first quarter of fiscal year 2021 to meet statutory requirements while at the same time recognizing the need to address the longer-term issues raised by the expected substantial reduction in State revenues in fiscal year 2021 and beyond.

(b) It is the intent of the Legislature to develop the full fiscal year budget in August and September of 2020, after the establishment of new official State revenue forecasts for fiscal years 2021 and 2022.



## Sec. A.2. FISCAL CAPACITY

(a) Fiscal Capacity. The Secretary of Administration is authorized to establish fiscal capacity to the greatest extent possible in the first quarter of fiscal year 2021 through the following mechanisms:

(1) A nonessential position hiring freeze. From July 1 through September 30, 2020, the Secretary of Administration shall not authorize positions to be filled unless a determination is made that filling the position is critical for State operation or pandemic response. The Secretary shall notify the Legislative Joint Fiscal Committee of any approved hiring that takes place during this period. Notwithstanding 3 V.S.A. § 327(b) and 3 V.S.A. § 2222(i), vacant positions shall not be swept to the position pool before September 30, 2020 unless authorized by the Joint Fiscal Committee.

(2) Available fund balances. Fund balances at the close of fiscal year 2020 and fund capacity projected to be available in fiscal year 2021 as result of collection of deferred receipts from fiscal year 2020.

(3) Carryforward appropriation balances. Appropriation balances that are carried forward from fiscal year 2020.

(4) Available federal funds. Utilization of Federal Medical Assistance Percentage rate changes and federal funding streams related to COVID-19 response and relief available for existing programs, including administrative allowances.

(b) The Administration shall not make substantive changes to policies or program structure prior to the development and approval of the full 2021 budget unless such changes are submitted to and approved by the Joint Fiscal Committee. Any such approval shall be after soliciting input from relevant legislative policy committees.

(c) In their presentation of recommendations for the full fiscal year 2021 budget in August and September 2020, agencies and departments shall report on any portion of the fiscal capacity achieved and authorized by this section.

## Sec. A.3. PHASE I -DIRECT APPROPRIATIONS FISCAL YEAR 2021 FIRST QUARTER

(a) The following appropriations are made for the first quarter of fiscal year 2021 as follows:

(1) The Vermont Veterans' Home: \$684,446 General Fund.

(2) State Teachers' Retirement System: \$119,013,146 General Fund and \$6,881,055 Education Fund. This fully funds the fiscal year 2021 obligation.

(3) Retired Teachers' Health Care and Medical Benefits: \$31,798,734 General Fund. This fully funds the fiscal year 2021 obligation.

(4) State Treasurer Unclaimed Property: \$1,134,819 Private Purpose Trust Funds.

(5) Debt Service: \$75,828,995 General Fund, \$540,918 Transportation Fund, \$504,738 ARRA Fund, and \$2,502,613 TIB Debt Service Fund. This fully funds the fiscal year 2021 obligation.

(6) Military's divisions will be appropriated General Fund as follows:

(A) Military Administration: \$1,368,238.

(B) Military Air Service Contract: \$210,693.

(C) Military Building Maintenance: \$589,662.

(D) Military Veterans' Affairs: \$217,257.

(7) Homeowner rebate: \$16,600,600 of General Fund.

(b) In fiscal year 2021, there is appropriated General Funds to the Vermont State College System for one-time bridge funding to allow system restructuring to be implemented for the 2021/2022 academic year: \$5,000,000.

#### Sec. A.4. PHASE I -PRORATED APPROPRIATIONS FISCAL YEAR 2021 FIRST QUARTER

(a) For all appropriations units that are not listed in Sec. A.3 of this act and were enacted pursuant to 2019 Acts and Resolves No. 72, sections B.100 through B.1001, as amended by 2020 Acts and Resolves No. 88, the following prorations shall apply to establish the Phase I interim appropriations for the operations of State government for the period beginning on July 1, 2020 and ending on September 30, 2020:

(1) All funds in the Agency of Natural Resources except the General Fund: 50%.

(2) All funds in the Agency of Transportation: 60%:

(A) With the exception of the Clean Water Fund prorated at 50% pursuant to subdivision (7)(B) of this subsection (a).

(3) Vermont Student Assistance Corporation: 50%.

(4) Vermont State Colleges: 25%:

(A) These funds are to be distributed in July 2020.

(5) Vermont Housing and Conservation Board: 40%.

(6) Payments in Lieu of Taxes: 100%.

(7) Clean Water Fund and Agricultural Water Quality Special Fund appropriations shall be prorated:

(A) Agency of Natural Resources: 50%.

(B) Agency of Transportation: 50%.

(C) Agency of Agriculture, Food and Markets: 50%.

(D) Agency of Commerce and Community Development: 50%.

(E) Agency of Administration: 50%.

(8) Treasurer, Teacher, State Employee and Municipal Pension Systems administration: 30%.

(9) All other appropriations:

(A) 25% of General Fund appropriations.

(B) 100% of all Education Fund appropriations.

(C) 25% of all remaining appropriations by fund.

#### Sec. A.5. EMERGENCY BOARD AUTHORIZATION

(a) Between July 1 and September 30, 2020, pursuant to the conditions set forth in 32 V.S.A. § 133(b) and in addition to the authority to transfer appropriations pursuant to 32 V.S.A. § 133(b), the Emergency Board is authorized to make expenditures from the General Fund or from any reserve within the General Fund pursuant to its authority under 32 V.S.A. § 133(a) or from other funds of the State. The appropriations in this section shall not exceed one percent of the total appropriations authorized in any fund by this act. This authority is to address any unforeseen spending requirements related to the COVID-19 pandemic.

#### Sec. A.6. RESCISSION AUTHORITY LIMITATION

(a) The provisions of 32 V.S.A. § 704 shall not apply between July 1, 2020 and September 30, 2020.

\* \* \* Budgetary Specifications and Amendments \* \* \*

(Secs. A.7 through A.40 apply to the appropriations established for the first quarter of fiscal year 2021 in Sec. A.3 and Sec. A.4 of this act that reference the 2019 Acts and Resolves No. 72, Secs. B.100 through B.1001, as amended by 2020 Acts and Resolves No. 88 unless otherwise stated.)

\* \* \* General Government \* \* \*

Sec. A.7. 2014 Acts and Resolves No. 179, Sec. E.100(d), as amended by 2015 Acts and Resolves No. 4, Sec. 74, by 2016 Acts and Resolves No. 172, Sec. E.100.2, by 2017 Acts and Resolves No. 85, Sec. E.100.1, and by 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.100.1 is further amended to read:

(d) Position Pilot Program. A Position Pilot is hereby created to assist participating departments in more effectively managing costs of overtime, compensatory time, temporary employees, and contractual work by removing the position cap with the goal of maximizing resources to the greatest benefit of Vermont taxpayers.

\* \* \*

(7) This Pilot shall sunset on ~~July 1~~ September 30, 2020, unless extended or modified by the General Assembly.

Sec. A.8. 2017 Acts and Resolves No. 79, Sec. 13 is amended to read:

Sec. 13. STATE ETHICS COMMISSION FUNDING SOURCE  
SURCHARGE; REPEAL

(a) Surcharge

\* \* \*

(2) The amount collected shall be accounted for within the Human Resource Services Internal Service Fund and used solely for the purposes of funding the activities of the State Ethics Commission set forth in Sec. 7 of this act.

(b) Repeal. This section shall be repealed on ~~June 30, 2020~~ June 30, 2021.

Sec. A.9. BUDGET REPORT

(a) Notwithstanding 32 V.S.A. § 306, for fiscal year 2021 the Governor shall submit to the General Assembly, not later than the August 18, 2020, a budget which shall embody estimates, requests, and recommendations for appropriations or other authorizations for expenditures from the State Treasury for the remainder of fiscal year 2021. The budget shall be based upon the official State revenue estimates, including the Medicaid estimated caseloads and per-member per-month expenditures, adopted by the Emergency Board pursuant to section 305a of this title.

Sec. A.10. SELECT COMMITTEE ON THE FUTURE OF THE VERMONT STATE COLLEGE SYSTEM; REPORTS

(a) Creation. There is created the Select Committee on the Future of the Vermont State College System (Committee) to assist the State of Vermont and the Vermont State Colleges (VSC) in developing a vision and plan for a high-

quality, affordable, sustainable future, a future that is workforce-connected and robust in its online capacities.

(b) Membership.

(1) The Committee shall be composed of up to the following 15 members:

(A) one current member of the House of Representatives, who shall be appointed by the Speaker of the House;

(B) one current member of the Senate, who shall be appointed by the Committee on Committees;

(C) the President of the University of Vermont or designee and a representative of the UVM Board of Trustees, appointed by the President;

(D) the Interim Chancellor of the Vermont State Colleges (VSC) or designee, and a representative of each of the VSC Board of Trustees, VSC campus administration, VSC faculty, VSC students, and VSC alumni or donor community, each appointed by the Interim Chancellor;

(E) the Secretary of Commerce and Community Development or designee;

(F) the Commissioner of Labor or designee;

(G) two representatives of the business community, appointed by the Steering Group created under subsection (c) of this section; and

(H) the President of the Vermont Student Assistance Corporation or designee.

(2) A Committee member may be appointed to fill more than one role as identified in subdivision (1) of this subsection.

(3) Appointers of members of the Committee shall seek to ensure that the geographical areas of the State hosting VSC campuses are represented on the Committee.

(c) Steering Group. On or before June 29, 2020, the Speaker of the House and the President Pro Tempore shall jointly appoint three members of the Committee, and the Governor shall appoint two members of the Committee, to serve as members of a Steering Group. The Steering Group shall provide leadership to the Committee and shall work with a consulting firm to analyze the issues, challenges, and opportunities facing VSC, as well as create a formal action plan to drive change and innovation in the VSC system. The Steering Group may form one or more subcommittees of the Committee to address key topic areas in greater depth.

(d) Collaboration. The Committee shall seek input from and collaborate with key stakeholders, as directed by the Steering Group.

(e) Powers and duties. The Committee shall study the structure of the current VSC system and build on previous studies and white papers in this area, including the ongoing work and work products of the VSCS Forward Task Force, the NVU Strong Advisory Committee, and the VTC Transition Advisory Task Force. The Select Committee shall also offer recommendations on how to increase affordability for students, access, retention, attainment, relevance, and fiscal sustainability, including the following issues:

(1) the financial sustainability of the VSC system and its impact on institutional capacity to innovate and meet State goals and learners' needs, including a comparison of higher education programs, delivery models, tuition, tuition-reduction and tuition-free programs, and structures in other states;

(2) the current organizational structure of VSC and its ability to promote student success;

(3) the alignment of the VSC system and workforce development goals, policy frameworks, and partnerships between businesses and institutions of higher education that are designed to meet the needs of employers and promote the public value of education; and

(4) collaboration with the University of Vermont to move Vermont toward meeting the concepts in subdivision (3) of this subsection (e).

(f) Consultant. The Vermont Legislative Joint Fiscal Office, in collaboration with the New England Board of Higher Education (NEBHE), shall issue a request for proposal to hire a consultant to assist the Committee with responses due from interested parties on or before July 17, 2020. On or before July 31, 2020, the Steering Group shall select the consultant.

(g) Assistance. The Committee shall have the administrative and technical assistance of the Agency of Education. NEBHE shall provide project management support to the Committee.

(h) Reports. Recognizing the need for short-term solutions on system structure, governance, funding, and sustainability, the Committee, through its Steering Group, shall use a phased approach to reporting. The first interim report shall be due on or before December 20, 2020 and shall focus on the topics described in subdivision (e)(1) of this section; the second interim report shall be due on or before June 15, 2021 and shall focus on the topics described in subdivisions (e)(2), (3), and (4) of this section; and the final report, which shall collate findings relative to subsection (e) of this section and include the

action plan, shall be due on or before December 15, 2021. All reports shall be in writing and be delivered to the General Assembly and the Governor.

(i) Meetings.

(1) The Secretary of Commerce and Community Development or designee shall call the first meeting of the Committee to occur on or before August 28, 2020.

(2) The Speaker of the House and the President Pro Tempore shall jointly select the Committee chair.

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

(4) The Committee shall cease to exist on January 31, 2022.

(j) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee 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.

(2) Other members of the Committee, who are not employees of the State of Vermont, shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010.

(3) Compensation and reimbursement under this subsection shall be, in each fiscal year 2021 and 2022, for a maximum of:

(A) six in-person meetings of the Committee;

(B) eight in-person meetings of the Steering Group; and

(C) four remote meetings of up to four subcommittees, assuming compensation and reimbursement for up to five members of each subcommittee.

(k) Appropriations.

(1) The sum of \$20,500.00 is appropriated to the Agency of Education from the General Fund in fiscal year 2021 for per diem compensation and reimbursement of expenses for members of the Committee, Steering Group, and subcommittees.

(2) Of the funds identified in Sec. A.3(b) of this act, the Vermont State Colleges shall transfer to the Vermont Legislative Joint Fiscal Office an amount sufficient to carry out the responsibilities and actions of the Joint Fiscal Office required under this section.

Sec. A.11. Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2021, investment fees shall be paid from the corpus of the Fund.

Sec. A.12. 3 V.S.A. § 479a is amended to read:

§ 479a. STATE EMPLOYEES' POSTEMPLOYMENT BENEFITS TRUST  
FUND

(a) A "State Employees' Postemployment Benefits Trust Fund" (Benefits Fund) is hereby created for the purpose of accumulating and providing reserves to support retiree postemployment benefits for members, and to make distributions from the Benefits Fund for current and future postemployment benefits for retirees of the Vermont State Employees' Retirement System, excluding pensions and benefits otherwise appropriated by statute and for the payment of reasonable and proper expenses of administering the Benefits Fund and related benefit plans. The Benefits Fund shall not be part of the Retirement System but is intended to comply with and be a tax-exempt governmental trust under Section 115 of the Internal Revenue Code of 1986, as amended.

(b) Into the ~~State Employees' Postemployment Benefits Trust Fund~~ shall be deposited:

(1) ~~All~~ all assets remitted to the State as a subsidy on behalf of the members of the Vermont State Employees' Retirement System for employer-sponsored qualified prescription drug plans pursuant to the Medicare Prescription Drug Improvement and Modernization Act of 2003, except that any subsidy received from an Employer Group Waiver Program is not subject to this requirement-;

(2) ~~Any~~ any appropriations by the General Assembly for the purposes of paying current and future retiree postemployment benefits for members of the Vermont State Employees' Retirement System-; and

(3) ~~Amounts~~ amounts contributed or otherwise made available by members of the System or their beneficiaries for the purpose of paying current or future postemployment benefits costs.

(c) The ~~State Employees' Postemployment Benefits Trust Fund~~ shall be administered by the State Treasurer. The Treasurer may invest monies in the ~~State Employees' Postemployment Benefits Trust Fund~~ in accordance with the provisions of 32 V.S.A. § 434 or, in the alternative, may enter into an agreement with the Committee to invest such monies in accordance with the standards of care established by the prudent investor rule under 14A V.S.A. § 902, in a manner similar to the Committee's investment of retirements system monies. All balances in the ~~State Employees' Postemployment~~



Benefits Trust Fund at the end of the fiscal year shall be carried forward. Interest earned shall remain in the State Employees' Postemployment Benefits Trust Fund. The Treasurer's annual financial report to the Governor and the General Assembly shall contain an accounting of receipts, disbursements, and earnings of the State Employees' Postemployment Benefits Trust Fund.

(d) All funds of the State Employees' Postemployment Benefits Trust Fund shall be held in one or more trusts, custodial accounts treated as trusts, or a combination thereof. Contributions to the Benefits Fund shall be irrevocable and it shall be impossible at any time prior to the satisfaction of all liabilities, with respect to employees and their beneficiaries, for any part of the corpus or income of the Benefits Fund to be used for, or diverted to, purposes other than the payment of retiree postemployment benefits to members and their beneficiaries and reasonable expenses of administering the Benefits Fund and related benefit plans.

Sec. A.13. 3 V.S.A. § 523 is amended to read:

§ 523. VERMONT PENSION INVESTMENT COMMITTEE; DUTIES

(a) The Vermont Pension Investment Committee shall be responsible for the investment of the assets of the State Teachers' Retirement System of Vermont, the Vermont State Employees' Retirement System, and the Vermont Municipal Employees' Retirement System pursuant to section 472 of this title, 16 V.S.A. § 1943, and 24 V.S.A. § 5063. The Committee shall strive to maximize total return on investment, within acceptable levels of risk for public retirement systems, in accordance with the standards of care established by the prudent investor rule under 14A V.S.A. § 902. The Committee may, in its discretion, subject to approval by the Attorney General, also enter into agreements with municipalities administering their own retirement systems to invest retirement funds for those municipal pension plans. The State Treasurer shall serve as the custodian of the funds of all three retirement systems. The Committee may, in its discretion, also enter into agreements with the State Treasurer to invest the State Employees' Postemployment Benefits Trust Fund, established in 3 V.S.A. § 479a, and the Retired Teachers' Health and Medical Benefits Fund, established in 16 V.S.A. § 1944b.

\* \* \*

Sec. A.14. 10 V.S.A. § 9 is amended to read:

§ 9. INVESTMENT IN VERMONT COMMUNITY LOAN FUND

Notwithstanding any provision of 32 V.S.A. § 433(a) to the contrary, the State Treasurer is authorized to invest up to ~~\$1,500,000.00~~ \$2,000,000.00 of short-term operating or restricted funds in the Vermont Community Loan Fund

on terms acceptable to the Treasurer and consistent with prudent investment principles and guidelines pursuant to 32 V.S.A. § 433(b)-(c).

Sec. A.15. Payments in lieu of taxes

(a) This appropriation is for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act. Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. A.16. Payments in lieu of taxes – Montpelier

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. A.17. Payments in lieu of taxes – correctional facilities

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. A.18. SOFTWARE VENDOR CONTRACT AND USER AGREEMENTS COMPLIANCE WITH STATE LAW

(a) The Agency of Digital Services, the Department of Buildings and General Services; the Judiciary; and the Legislative Information Technology department shall report to the Joint Information Technology Oversight Committee and the Joint Legislative Justice Oversight Committee not later than September 1, 2020 on the status of how software vendors that the State currently engages for the provision of services are bringing contracts and user agreements into compliance with Vermont law so as not to contain presumptively unconscionable terms per 9 V.S.A. chapter 152.

\* \* \* Protection to Persons and Property \* \* \*

Sec. A.19. Attorney general

(a) Notwithstanding any other provisions of law, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the State share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the State share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

Sec. A.20. JUDICIAL SYSTEM ROLLOUT AND E-FILING FEES

(a) The Judiciary shall meet with representatives of the Vermont Bar Association and other court users to listen to and respond to court users' experience with the Odyssey File and Serve system and to examine alternatives to the current e-filing charges. The Judiciary shall report its efforts and recommendations for improving the rollout of the program and for improving court users' experience with the system, including costs, to the Joint Fiscal Committee and Joint Legislative Justice Oversight Committee not later than October 30, 2020.

Sec. A.21. Public safety – administration

(a) The Commissioner of Public Safety is authorized to enter into a performance-based contract with the Essex County Sheriff's Department to provide law enforcement service activities agreed upon by both the Commissioner of Public Safety and the Sheriff.

(b) The Commissioner of Public Safety shall in collaboration with the Commissioner of Mental Health present a plan to the General Assembly by August 18, 2020 that will create the capacity for each State Police barrack to have embedded mental health clinicians from a designated agency or contracted provider to more appropriately respond to situations involving individuals experiencing a mental health emergency. In formulating this plan, the commissioners shall review the embedded mental health clinician model developed in Franklin county for statewide scalability. The Commissioner of Public Safety shall recommend the reallocation of funds for this purpose and explore the potential to match funds under Vermont's Medicaid waiver.

Sec. A.22. Public safety – fire safety

(a) Of this General Fund appropriation, \$13,750 shall be granted to the Vermont Rural Fire Protection Task Force for the purpose of designing dry hydrants.

Sec. A.23. Military – Administration

(a) The amount of \$1,026,105 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard educational assistance program established in 16 V.S.A. § 2856 and the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

Sec. A.24. LEGISLATIVE APPROVAL OF MILITARY SECURITY  
GUARD CLASS ACTION

(a) Pursuant to Article 16 (3)(f) of the Collective Bargaining Agreement in effect for fiscal year 2020, the Legislature approves for the Department of the Military:

(1) The spending of federal funds in fiscal year 2020 estimated to be \$87,453 to fund the reclassification of thirty (30) Security Guard positions representing a financial impact greater than one percent (1%).

Sec. A.24.a GLOBAL COMMITMENT WAIVER AMENDMENT

(a) The Secretary of Human Services is authorized to seek a no-change extension of Vermont's Global Commitment to Health Section 1115 Demonstration for the period of January 1, 2022 through December 31, 2023 from the Centers for Medicare and Medicaid Services.

\* \* \* Human Services \* \* \*

Sec. A.25. VERMONT HEALTH BENEFIT EXCHANGE RULES

(a) The Agency of Human Services may adopt rules pursuant to 3 V.S.A. chapter 25 to conform Vermont's rules regarding health care eligibility and enrollment and the operation of the Vermont Health Benefit Exchange to State and federal law and guidance. The Agency may use the emergency rules process pursuant to 3 V.S.A. § 844 prior to June 30, 2021, but only in the event that new State or federal law or guidance requires Vermont to amend or adopt its rules in a time frame that cannot be accomplished under the traditional rulemaking process. An emergency rule adopted under these exigent circumstances shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

Sec. A.26. 2019 Acts and Resolves No. 72, Sec. C.100 is amended to read:

Sec. C.100. FISCAL YEAR 2019 ONE-TIME APPROPRIATIONS

(a) In fiscal year 2019, funds are appropriated from the General Fund and shall be carried forward as follows:

\* \* \*

(19) To the Department for Children and Families, Woodside Rehabilitation Center: \$260,000 for costs associated with ~~transitioning from a treatment facility to a detention facility~~ providing additional clinical support and training.

\* \* \*

Sec. A.27. Corrections - correctional services

(a) The special funds appropriation of \$152,000 for the supplemental facility payments to Newport and Springfield, pursuant to Sec. A.4 of this act, shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. A.28. REDUCTION IN FORCE OF WOODSIDE JUVENILE

## REHABILITATION CENTER EMPLOYEES

(a) On or before the date of passage of this act, the State of Vermont and the collective bargaining representative of the employees employed at the Woodside Juvenile Rehabilitation Center facility shall engage in bargaining regarding whether and how to modify any terms of the applicable collective bargaining agreement in relation to permanent status classified employees who are subject to a reduction in force from their positions at the Woodside Juvenile Rehabilitation Center facility.

### Sec. A.29. POPULATION FUNDING COMMITMENT; AGENCY OF HUMAN SERVICES; WOODSIDE JUVENILE REHABILITATION CENTER; PLAN FOR JUSTICE-INVOLVED YOUTHS

(a) The fiscal year 2021 budget as proposed by the Administration:

(1) anticipates closure of the secure Woodside Juvenile Rehabilitation Center facility that provides short and long-term placements and treatment services for justice-involved youths and youths in the custody of the Department for Children and Families; and

(2) allocates in fiscal year 2021 a total of \$2,500,000 in General Funds and any Federal Medicaid matching funds to serve this population in alternative placements approved by the Department for Children and Families.

(b) It is the intent of the General Assembly that the Woodside Juvenile Rehabilitation Center facility remain open until its closure is authorized by the appropriate committees of the General Assembly as provided in this subsection. Upon completion of its plan as provided in subsection (c) of this section, the Agency shall report to the appropriate committees as follows:

(1) prior to the adjournment of the 2020 legislative session, the Agency shall report to the Senate Committee on Judiciary and the House Committee on Human Services; or

(2) after the adjournment of the 2020 legislative session, the Agency shall jointly report to the Joint Legislative Child Protection Oversight Committee and the Joint Legislative Justice Oversight Committee.

(c) The appropriate committees as set forth in subsection (b) of this section shall authorize the closure of the facility upon approving the Agency's plan to:

(1) adequately fund alternative programs and placements for youths served by Woodside, including those programs and placements that currently accept justice-involved youths who present a risk of injury to themselves, to others, or to property; and

(2) provide placements for all youths under 18 years of age who are in the custody of the Department of Corrections, and who have historically been placed at Woodside Juvenile Rehabilitation Center instead of a Department of Corrections facility pursuant to the memorandum of understanding between the two departments.

Sec. A.30. AGENCY OF HUMAN SERVICES; PLAN FOR YOUTHS  
WITH MENTAL HEALTH DISORDERS

(a) During the 2020 legislative interim, the Agency of Human Services shall develop a plan to provide comprehensive mental health treatment services to youths, including justice-involved youths, with severe mental health disorders.

(b) On or before January 15, 2021, the Agency shall report to the House and Senate Committees on Judiciary, the House Committee on Corrections and Institutions, the Senate Institutions Committee, the House Human Services Committee, and the Senate Committee on Health and Welfare on its plans pursuant to this subsection and recommendations for repurposing of the Woodside facility.

Sec. A.31. FUNDING INTENT: JUSTICE-INVOLVED YOUTH

(a) It is the intent of the General Assembly to appropriate funds in fiscal year 2021 to the Agency of Human Services in the amount necessary to fund short- and long-term residential placements and treatment services for justice-involved youth and youth in the custody of the Department for Children and Families.

(b) To assist the General Assembly in appropriating the proper funding for short- and long-term residential placements and treatment services pursuant to subsection (a) of this section, on or before August 18, 2020, the Secretary of Administration or designee shall provide to the House and Senate Committees on Appropriations, the House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare:

(1) the status of operations of the Woodside Juvenile Rehabilitation Center facility in fiscal year 2021, including the projected date for cessation of operations at the facility and the cost and funding sources identified for operation of the facility for any period of time during fiscal year 2021;

(2) the projected costs and funding sources to provide short- and long-term residential placements and treatment services for justice-involved youth and youth in the custody of the Department for Children and Families for any

period of time in fiscal year 2021 subsequent to the cessation of operations at Woodside; and

(3) the projected annualized cost of providing such placements and treatment services and the proposed funding sources.

Sec. A.32. 2019 Acts and Resolves No. 72, Sec. B.301 as amended by 2020 Acts and Resolves No. 88, Sec. 12, as amended by Sec. 5 of H.953 of 2020 as passed by the house and senate is further amended to read:

Sec. B.301 Secretary's office - global commitment		
Operating expenses	3,150,212	3,150,212
Grants	<u>1,629,912,361</u>	<u>1,629,912,361</u>
Total	1,633,062,573	1,633,062,573
Source of funds		
General fund	513,632,278	513,632,278
Special funds	<del>44,969,169</del>	34,969,169
Tobacco fund	21,049,373	21,049,373
State health care resources fund	22,601,110	22,601,110
Federal funds	1,015,442,864	1,015,442,864
Interdepartmental transfers	<u>25,367,779</u>	<u>25,367,779</u>
Total	1,633,062,573	1,633,062,573

Sec. A.33. 2019 Acts and Resolves No. 72, Sec. B.309 as amended by 2020 Acts and Resolves No. 88, Sec. 17 as amended by Sec. 8 of H.953 of 2020 as passed by the house and senate is further amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only		
Grants	<u>49,128,572</u>	<u>49,128,572</u>
Total	49,128,572	49,128,572
Source of funds		
General fund	39,150,622	39,150,622
Federal funds	0	85,500
Global Commitment fund	9,892,450	9,892,450
Enterprise funds	<u>85,500</u>	<u>0</u>
Total	49,128,572	49,128,572

Sec. A.34. 2019 Acts and Resolves No. 72, Sec. B.346 as amended by 2020 Acts and Resolves No. 88, Sec. 34 as amended by Sec. 14 of H.953 of 2020 as passed by the House and Senate is further amended to read:

Sec. B.346 Total human services		
Source of funds		
General fund	960,370,523	960,370,523

Special funds	123,782,144	123,782,144
Tobacco fund	23,088,208	23,088,208
State health care resources fund	22,601,110	22,601,110
Federal funds	1,464,072,845	1,464,158,345
Global Commitment fund	1,583,073,476	1,583,073,476
Internal service funds	2,035,610	2,035,610
Interdepartmental transfers	46,373,468	46,373,468
Permanent trust funds	25,000	25,000
Enterprise funds	<u>85,500</u>	<u>0</u>
Total	4,255,507,884	4,255,507,884

\* \* \* K-12 Education \* \* \*

Sec. A.35. 2019 Acts and Resolves No. 72, Sec. E.504.2 is amended to read:

Sec. E.504.2 Education – flexible pathways

(a) Of this appropriation, ~~\$3,026,500~~ \$3,916,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c). Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

\* \* \*

Sec. A.36. State teachers’ retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers’ Retirement System (STRS) shall be \$132,141,701 of which \$125,894,201 shall be the State’s contribution and \$6,247,500 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$7,213,271 is the “normal contribution,” and \$124,928,430 is the “accrued liability contribution.”

Sec. A.37. PREFUNDING OF THE TEACHERS’ HEALTH CARE AND MEDICAL BENEFITS FUND

(a) Of the amount appropriated in Sec. A.3 of this act, \$2,400,000 is intended to pre-fund Retired Teachers’ Health Care and Medical Benefits at the earliest possible date.

Sec. A.38. 16 V.S.A. § 1944b is amended to read:

§ 1944b. RETIRED TEACHERS’ HEALTH AND MEDICAL BENEFITS FUND

\* \* \*



(d) The Treasurer may invest monies in the Benefits Fund in accordance with the provisions of 32 V.S.A. § 434 or, in the alternative, may enter into an agreement with the Vermont Pension Investment Committee to invest such monies in accordance with the standards of care established by the prudent investor rule under 14A V.S.A. § 902, in a manner similar to the Committee's investment of retirement system monies. Interest earned shall remain in the Benefits Fund, and all balances remaining at the end of a fiscal year shall be carried over to the following year. The Treasurer's annual financial report to the Governor and the General Assembly shall contain an accounting of receipts, disbursements, and earnings of the Benefits Fund.

\* \* \*

\* \* \* Higher Education \* \* \*

Sec. A.39. University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay monthly installments of the appropriation in Sec. A.4 of this act to the University of Vermont on or about the 15th day of each calendar month during the first quarter of the year.

\* \* \* Natural Resources \* \* \*

Sec. A.40. 2019 Acts and Resolves No. 72, Sec. E.711.1 is amended as follows:

Sec. E.711.1 BENNINGTON WATER LINE EXTENSION

(a) Waiver of bond vote. The Town of Bennington shall receive a loan for the Operational Unit C / Chapel Road Project in an amount of up to ~~\$1,500,000~~ \$2,000,000 to receive a loan subsidy in the form of 100 percent principal forgiveness with no interest or administrative fee from funds authorized in 24 V.S.A § 4753(a)(3). Notwithstanding the provisions of 24 V.S.A. § 4755(a)(3), the loan is not required to be evidenced by a municipal bond.

\* \* \*

\* \* \* Transportation \* \* \*

Sec. A.41. Transportation – central garage

(a) This appropriation is authorized pursuant to Sec. A.4 of this act, notwithstanding the provisions of 19 V.S.A. § 13(c)(2).

Sec. A.42. Transportation – town highway structures

(a) This appropriation is authorized pursuant to Sec. A.4 of this act,

notwithstanding the provisions of 19 V.S.A. § 306(e).

Sec. A.43. Transportation – town highway class 2 roadway

(a) This appropriation is authorized pursuant to Sec. A.4 of this act, notwithstanding the provisions of 19 V.S.A. § 306(h).

Sec. A.44. Transportation – town highway aid program

(a) This appropriation is authorized pursuant to Sec. A.4 of this act, notwithstanding the provisions of 19 V.S.A. § 306(a).

(b) The Agency of Transportation shall distribute \$6,776,442.25 to towns in the apportionments provided under 19 V.S.A. § 306(a)(3) for the first quarterly payment of town highway aid.

\* \* \* Coronavirus Relief Fund; Administrative Provisions \* \* \*

Sec. A.45. CONSISTENCY WITH CARES ACT AND GUIDANCE

(a) The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this act complies with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance because the costs to be covered:

(1) are necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);

(2) were not accounted for in Vermont’s fiscal year 2020 budget; and

(3) were, or will be, incurred during the period beginning on March 1, 2020 and ending on December 30, 2020.

Sec. A.46. GRANT RECIPIENT REQUIREMENTS; REVERSION AND REALLOCATION SCHEDULE

(a) All appropriations made from the State’s Coronavirus Relief Fund (CRF) in this and other bills passed after March 1, 2020 as part of the 2020 legislative session are made with the knowledge that the statutory and regulatory context is constantly changing. Additional federal legislation may further change the potential for and appropriateness of CRF usage. As a result:

(1) Appropriations from the CRF are subject to changes in source of funds that may occur as the result of subsequent legislation or through administrative actions, where permissible by law.

(2) Specific CRF uses may need to change based on changes to federal laws or on revised or updated federal guidance.

(3) It is the responsibility of all entities receiving CRF monies to ensure compliance with all federal guidelines as to CRF spending and use.

(4) Unless otherwise authorized by the Commissioner of Finance and Management, any monies appropriated from the CRF shall revert to the CRF to the extent that they have not been expended by December 20, 2020 to enable reallocation.

Sec. A.47. CORONAVIRUS RELIEF FUND GRANTS; CONDITIONS

(a) Any person receiving a grant comprising monies from the Coronavirus Relief Fund shall use the monies only for purposes that comply with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance.

(b) Any person who expends monies from the Coronavirus Relief Fund for purposes not eligible under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance shall be liable for repayment of the funds to the State of Vermont; provided, however, that a person shall not be liable for such repayment if the person expended the monies in good faith reliance on authorization of the proposed expenditure by or specific guidance from the agency or department administering the grant program.

(c) The Attorney General or a State agency or department administering a grant program established or authorized under this act may seek appropriate criminal or civil penalties as authorized by law for a violation of the terms or conditions of the applicable program, grant, or award.

Sec. 48. CORONAVIRUS RELIEF FUND; RECORD KEEPING;  
COMPLIANCE

(a) In order to ensure compliance with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136, and related guidance, and to assist the State in demonstrating such compliance:

(1) any agency or department, and any subrecipient of a grant, that is authorized to disburse grant funds appropriated by this act shall include standard audit provisions, as required by Agency of Administration Bulletins 3.5 and 5, in all contracts, loans, and grant agreements; and

(2) each grant recipient shall report on its use of the monies received pursuant to this act to the agency or department administering the grant as required by that agency or department and shall maintain records of its expenditures of the monies for three years, or for a longer period if so required by State or federal law, to enable verification as needed.

\* \* \* COVID-19 Expenditures \* \* \*

Sec. A.49. ONE-TIME CORONAVIRUS RELIEF FUND (CRF)  
APPROPRIATIONS

(a) The following appropriations are authorized on a one-time basis in fiscal year 2021 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 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 May 28, 2020 interpretation of limitations on the permissible use of fund payments.

(1) Legislature: \$2,000,000 is appropriated to the Legislature for costs incurred for an estimated six-week extension of the 2020 session in fiscal year 2021 (August and September 2020) due to the response to the Coronavirus pandemic. This extension to legislative work may be conducted in a remote or partially remote manner.

(2) The Vermont State Colleges (VSC): \$22,758,000 is granted to the VSC for costs and business disruption impacts through December 30, 2020 due to the COVID-19 pandemic.

(3) The University of Vermont (UVM): \$19,355,000 is granted to UVM for costs and business disruption impacts through December 30, 2020 due to the COVID-19 pandemic as outlined in the May 5, 2020 memo submitted to the House Appropriations Committee from the UVM Vice President for Finance and Treasurer. This includes capacity for the University's Business Resource Center to engage with and provide assistance to pandemic impacted businesses in Vermont or relocating to Vermont through December 30, 2020.

(4) The Vermont Student Assistance Corporation (VSAC): \$5,000,000 is granted to VSAC for impacts due to the COVID-19 pandemic.

(5) State's Attorneys: \$1,977,000 is appropriated to the Department of State's Attorneys for costs incurred or anticipated to be incurred in response to the COVID-19 pandemic.

(6) Defender General: \$753,000 is appropriated to the Defender General for costs incurred or anticipated to be incurred in response to the COVID-19 pandemic.

(7) Vermont Center for Crime Victim Services: \$742,500 is appropriated to Center for Crime Victim Services for costs incurred or anticipated to be incurred in response to the COVID-19 pandemic. These

funds are allocated as follows:

(A) \$502,500 for the COVID-19 costs at the Center for Crime Victim Services, the Vermont Network Against Domestic Violence and its member organizations. These costs include PPE; hazard pay; equipment and HIPAA-compliant video conference services; increased shelter sanitation costs and increased direct aid to survivors moved into in the community to meet COVID-19 health and safety recommendations.

(B) \$80,000 for no cost legal representation to victims of domestic and sexual violence through the Vermont Network's Justice for Victims Legal Clinic because the pandemic has made it more difficult for victims to find attorneys and understand how they may participate remotely in judicial proceedings.

(C) \$160,000 for providing domestic and sexual violence victim's advocates with remote access to the Forensic Nursing Program due to COVID-19 because victim's advocates are restricted by hospitals from being physically present with victims during the pandemic as an infection control strategy.

(8) Judiciary: \$2,608,500 is appropriated to the Judiciary for costs incurred in response to the COVID-19 pandemic.

(9) Agency of Human Services: \$300,000 is appropriated to the Agency of Human Services to be granted to Vermont Legal Aid for increased costs of providing access to justice services in response to the COVID-19 pandemic. Up to 50% of this amount shall be used to cover the cost of per use electronic judicial filing fees though December 30, 2020 to ensure all court users have timely access to justice as the judicial system resumes operations relying on greater digital remote online processes to ensure public health and safety after closure due to COVID-19.

(10) Department of Corrections: \$2,500,000 is appropriated to the Department of Corrections to address the health and safety of persons under the custody of the Commissioner of Corrections and Department of Corrections staff due to the COVID-19 emergency. These funds are allocated below, allocations that cannot be used by December 30, 2020 may be reallocated to other eligible COVID-19 cost categories. Any reallocations shall be reported to the Joint Legislative Justice Oversight Committee, the Commissioner of Finance and Management and the Joint Fiscal Office:

(A) \$760,000 for temperature scanners and six full body scanners at State correctional facilities, temperature scanners at field service offices, and personal protective equipment (PPE) at State correctional facilities and field service offices for COVID-19 mitigation.

(B) \$700,000 for technology upgrades to support the COVID-19 necessitated transition from in-person programs and services to remote on-line

access across facilities including WIFI heating mapping in the facilities, the Community High School of Vermont learning management system, as well as devices, applications, and video conferencing services.

(C) \$363,000 to be granted to community justice centers. Of which \$252,000 is the estimated amount for direct costs incurred at the centers as a result of COVID-19. The remainder is to provide increased program capacity at the transitional housing programs operated by some community justice centers for individuals reentering into the community to reduce the risk of spreading COVID-19 in State correctional facilities.

(D) \$350,000 to for the Department to increase rental housing and supporting program capacity in the community. Of this amount \$200,000 is the estimated amount for direct rental assistance for first and last month for individuals reentering the community to reduce the risk of spreading COVID-19 in State correctional facilities. The remaining amount is to increase and provide domestic violence and batterer intervention programs in the community required for COVID-19 reentering individuals.

(E) \$327,000 to be granted to Vermont Network Against Domestic Violence. \$130,000 to provide \$10,000 grants for each of the thirteen Domestic Violence Offender Accountability Programs to immediately transition to remote access. The remaining funds to support victims of domestic and sexual violence who are incarcerated and reentering the community by remote contact systems and more extensive use of support personnel to ameliorate the impact of COVID-19 that has required the department to isolate some incarcerated individuals and to limit the in-person contacts of these re-entering individuals.

(F) The Commissioner of Corrections shall report to the Joint Legislative Justice Oversight Committee in November 2020 if the funding in this section and in Sec. 36(a)(8) of H.953 of 2020 as passed by the House and Senate for rental assistance; changes in community supervision; reentry and community programming support or pilot programs provided through community service partner organizations; and domestic violence offender reentry programs and victim support programs have decreased incarceration and if the impact is sufficient to continue to provide funding in the future for these programs. Specifically, the Commissioner shall identify if any of these programs should continue to be funded after the pandemic emergency because of their continued potential to further reduce overall incarceration rates.

(11) Auditor: \$100,000 is appropriated to the State Auditor for State single audit costs to be incurred in response to COVID-19 funding. The Auditor is authorized to fill two vacant positions.

(12) Secretary of State: \$2,000,000 is appropriated to the Secretary of State for developing and implementing the Vermont Business Portal to provide

digital access for Vermont-based businesses to at least four State agencies. This project's phase one is to facilitate communications with all registered businesses and business types in the period of the COVID-19 pandemic by bringing more transactions online to facilitate remote work; and increase overall employee and agency efficiency in operations.

(13) Department for Children and Families (DCF): \$1,400,000 is appropriated to DCF, Office of Economic Opportunity, to be granted to the Community Action Agencies for the Statewide Community Action Network's Economic Micro Business Recovery Assistance for the COVID-19 Epidemic (EMBRACE) to assist the most disadvantaged Vermont microbusiness owners impacted by COVID-19 business closure orders with access to grants and technical assistance.

(14) Department of Disabilities, Aging, and Independent Living (DAIL): \$100,000 is appropriated to DAIL to be granted to the Vermont Association for the Blind and Visually Impaired for a technology training program (iPad and iPhone training) for older Vermonters who experience decreased vision and blindness and others who are blind or visually impaired to address social isolation resulting from social distancing.

(15) Department of Disabilities, Aging and Independent Living (DAIL) \$2,450,000 is appropriated DAIL to provide financial stability grant funding to the twelve adult day providers statewide to continue to support the facilities, service infrastructure and necessary operating costs for July 2020 through September 2020 as these programs remained closed due the COVID-19 crisis and prepare to reopen safely for the vulnerable populations they service at the end of their closure period.

(16) Agency of Agriculture, Food and Markets: \$1,000,000 is appropriated to the Agency of Agriculture, Food and Markets for the COVID-19 Working Lands Program for eligible pandemic response proposals from agriculture, food and markets participants.

(17) Department of Forests, Parks and Recreation: \$500,000 is appropriated to the Department of Forests, Parks and Recreation to make payments to refund cancellations due to COVID-19 for State parks' reservations that were paid in advance.

(18) Agency of Administration, Director of Racial Equity: \$50,000 is appropriated to the Agency of Administration for specialized training on equity and inclusion. This training is to increase understanding and response capabilities given the disproportionate impacts on communities of color and the New Americans communities of the COVID-19 pandemic.

Sec. A.50. PRE-K–12 EDUCATION PANDEMIC COSTS: CORONAVIRUS

## RELIEF FUND APPROPRIATIONS

(a) Total appropriation. The sum of \$50,000,000 is appropriated in fiscal year 2020 to the Agency of Education to fund eligible fiscal years 2020 and 2021 expenditures of Vermont prekindergarten–grade 12 public schools and approved independent schools. Eligible expenditures shall conform with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136, and related guidance, and shall be determined by the Secretary of Education. This funding is allocated under subsections (b), (c), and (d) of this section. Any unused portion of this funding shall carry over into fiscal year 2021.

(b) Efficiency Vermont. The amount of \$6,500,000 shall be granted to Efficiency Vermont for the air quality improvement program in Sec. A.51 of this act.

(c) Prekindergarten-12 schools.

(1) Public schools. The sum of \$41,000,000 shall be granted for the purpose of reimbursing COVID-19 costs incurred by school districts.

(A) The appropriations under this subdivision (c)(1) shall not be used for costs incurred by a prekindergarten program that is not operated by a school district.

(B) A school district that has fiscal year 2020 funds available from this section shall carry those funds into fiscal year 2021 as revenue without waiting for an audit to confirm the existence or amount of the available funds. Notwithstanding any other provision of law to the contrary, the Agency of Education shall evaluate the amount of education fund payments authorized by 16 V.S.A. chapter 133 needed to fund a school district's education spending, taking into account any funds available that resulted from the fiscal year 2020 appropriation under this section and other factors it determines to be relevant, and shall subtract from the district's first and second fiscal year 2021 education fund payments an amount it determines is not necessary to fully fund the district's education spending.

(2) Approved independent schools. The sum of up to \$1,500,000 shall be granted for the purpose of reimbursing COVID-19 costs incurred by approved independent schools that, as of March 27, 2020 (the date of enactment of the CARES Act), had one or more students enrolled whose tuition was funded by the student's sending school district (publicly funded student).

(A) The maximum reimbursement to an approved independent school under this subdivision (2) shall be an amount equal to \$422 for each publicly funded student who was enrolled as of March 27, 2020.



(B) An approved independent school that receives funds from the Coronavirus Relief Fund under this subdivision (2) shall provide access to the Agency of Education for the purpose of auditing the school’s use of those funds.

(3) Administration and guidance. The Agency of Education shall administer these reimbursement programs, on or about June 26, 2020 issue guidance to school districts and approved independent schools on reimbursable costs, and establish a process for submission of, and reimbursement for, these costs. The guidance issued by the Agency shall allow for use of that funding to cover all costs permitted under the CARES Act and related guidance, and under any other applicable law.

(d) Accounting and technical assistance. Up to \$1,000,000 shall be available to provide accounting and technical assistance to the supervisory unions and school districts to fully identify COVID-19 expenses and accurately process these within the statewide accounting system.

(e) Purpose or determination of necessity; due to COVID-19. The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this section is necessary to assist public schools and approved independent schools cover a variety of COVID-19 costs. The guidance required to be issued by the Agency of Education under this section to public schools and approved independent schools is intended to ensure that their costs are due to or resulting from COVID-19.

Sec. A.51. SCHOOL INDOOR AIR QUALITY GRANT PROGRAM;  
CORONAVIRUS RELIEF FUND; APPROPRIATION

(a) Appropriation. The sum of \$6,500,000 appropriated in Sec.A.50(b) of this act from the Coronavirus Relief Fund for Efficiency Vermont in fiscal year 2021 is for purposes of providing grants to Vermont K–12 covered schools to upgrade heating, ventilation, and air conditioning (HVAC) systems, and filtration and other methods of air treatment, in response to the COVID-19 emergency.

(b) Purpose or determination of necessity; due to COVID-19. The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this section is necessary to make immediate improvements to the indoor air quality in K–12 covered schools to improve health and safety and to mitigate the threat of the spread of COVID-19.

(c) Definition. As used in this section, “covered school” means public schools and approved independent schools as defined under 16 V.S.A. § 11.

(d) Program established. There is established within Efficiency Vermont the School Indoor Air Quality Grant Program (“the Program”) to provide grants to K–12 covered schools in Vermont to repair, maintain, and upgrade heating, ventilation, and air conditioning (HVAC) systems in reference to COVID-19-specific guidelines from the U.S. Centers for Disease Control and Prevention (CDC) and the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE).

(e) Administration; implementation.

(1) The Program shall be administered by Efficiency Vermont, which shall be responsible for:

(A) providing education and outreach to schools on the Program;

(B) providing informational guidance and best practices for school ventilation and air filtration systems; and

(C) awarding available grants to covered schools under the Program, which may be paid directly to a contractor on behalf of a covered school.

(2) Efficiency Vermont, in consultation with the Agency of Education, the Vermont Superintendents Association, and experts in the field of heating, ventilation, and air conditioning, shall design the Program. The Program design shall establish:

(A) An outreach and education plan.

(B) An equitable system for distributing grants statewide based on geographic location, school size, and grant dollar amount.

(C) Guidelines for the ventilation, filtration, monitoring, humidification, and dehumidification measures and costs that will be eligible for grant funding. Eligible measures may include handheld meters, system evaluation, and retrocommissioning.

(3)(A) Efficiency Vermont is authorized to use up to \$100,000 of the amount appropriated in subsection (a) of this section for labor.

(B) As the entity appointed to serve as Efficiency Vermont, the Vermont Energy Investment Corp. (VEIC) is also authorized to collect their federally approved indirect rate of 9.3 percent on the Program funds expended.

(C) Monies from the Electric Efficiency Fund created by 30 V.S.A. §209(d)(3) and managed by Efficiency Vermont shall not be used to administer this Program. Where energy savings measures can be implemented in conjunction with the School Indoor Air Quality Grant Program, Efficiency

Vermont may leverage its own program budgets, provided the energy savings measures are cost-effective.

(f) Contracting with vendors; bidding exception. Due to the public health risk posed by COVID-19, any project receiving grant funds under the Program shall be deemed to be an emergency repair for the purposes of 16 V.S.A. § 559(e), and a covered school may enter into a contract with an independent third party without the need to competitively bid the contract.

(g) Report. On or before September 15, 2020, Efficiency Vermont shall submit an update on the Program to the House and Senate Committees on Education. On or before March 15, 2021, Efficiency Vermont shall submit a final report on the Program, which shall include a list of the covered schools served, projects completed, funds expended, results and benefits of the projects completed, and overall lessons learned and recommendations for possible future school ventilation improvement programs. The final report shall also include a summary of any Efficiency Vermont programs that were delivered in conjunction with the Program.

Sec. A.52. H.953 (Supplemental Budget Adjustment) of 2020 is amended by striking out in Sec. 36, subdivision (a)(7) in its entirety and insert in lieu thereof a new (a)(7) to read as follows:

(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 COVID-19 pandemic, which shall be allocated as follows:

(A) \$400,000 for the necessary training and support of emergency medical personnel, including volunteers, which shall be transferred to the Department of Health for disbursement. In order to address the needs of Vermonters as a result of the COVID-19 pandemic, the Department, in consultation with the Emergency Medical Services Advisory Committee, shall use the monies expeditiously to provide funding for live and online training opportunities for emergency medical responders, emergency medical technicians, and advanced emergency medical technicians and for other emergency medical personnel training-related purposes. The Department and the Advisory Committee shall prioritize training opportunities for volunteer emergency medical personnel to maximize the response capabilities of all areas in the State.

(B) \$500,000 for paramedic training, including paramedic certificate programs for prospective paramedics, continuing education opportunities for licensed paramedics, and recruitment. These funds shall be transferred to the Department of Health for disbursement.

(i) Funding under this subdivision (7)(B) shall be prioritized for training through Vermont programs that include clinical and field internship work to be completed prior to December 30, 2020.

(ii) The Department may collaborate with the Vermont Student Assistance Corporation, or similar entity, to disburse funding to approved paramedic training programs, to qualified applicants seeking a paramedic certificate, and to licensed paramedics pursuing continuing education opportunities.

(iii) The Department may allocate funds for recruitment of qualified paramedics to meet the needs of emergency medical service (EMS) and ambulance service providers in the State and ensure that emergency patient care and transportation services are available to Vermonters in all parts of the State. Such costs may include reimbursement for relocation, short-term housing stipends pending relocation, reimbursement for costs associated with Vermont licensure, and other allowed costs.

(C) \$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 Vermont EMS and ambulance service providers with applications needed for federal provider relief funds related to COVID-19 funding, State prospective payments related to COVID-19 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.

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

(E) On or before January 15, 2021, AHS and the Department of Health shall report to the House Committees on Appropriations, on Health Care, and on Government Operations and the Senate Committees on Appropriations, on Health and Welfare, and on Government Operations with an accounting of its use of the funds appropriated to AHS for disbursement by the Department pursuant to this subsection.

#### Sec. A.53. COVID-19 UNEMPLOYMENT ADMINISTRATION COSTS

(a) The Department of Labor is authorized to use \$4,700,000 for COVID-19 Unemployment Administration Costs from the funds allocated under the

conditions for the acceptance of the Coronavirus Relief Fund grant to Vermont adopted and as amended on May 5, 2020 by the Joint Fiscal Committee.

\* \* \* Definitions; Other Legal or Budgetary Context \* \* \*

#### Sec. A.54. APPROPRIATIONS DEFAULT AND TIMING LIMITATIONS

(a) If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.

(b) Unless codified or otherwise specified, all narrative portions of this act apply only to the first quarter of the fiscal year ending on September 30, 2021.

#### Sec. A.55. DEFINITIONS

(a) As used in this act:

(1) “Encumbrances” means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The Commissioner of Finance and Management shall make final decisions on the appropriateness of encumbrances.

(2) “Grants” means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to persons who are not wards of the State for services or supplies and means cash or other direct assistance, including pension contributions.

(3) “Operating expenses” means property management; repair and maintenance; rental expenses; insurance; postage; travel; energy and utilities; office and other supplies; equipment, including motor vehicles, highway materials, and construction; expenditures for the purchase of land and construction of new buildings and permanent improvements; and similar items.

(4) “Personal services” means wages and salaries, fringe benefits, per diems and contracted third-party services, and similar items.

#### Sec. A.56. RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

#### Sec. A.57. OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the State appropriations shall control, notwithstanding receipts being greater or less than anticipated.

#### Sec. A.58. FEDERAL FUNDS

(a) In the first quarter of fiscal year 2021, the Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during the first quarter of fiscal year 2021, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2020 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for not more than 45 days prior to Legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor's request for approval.

#### Sec. A.59. NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(11), shall not be increased during the first quarter of fiscal year 2021. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

\* \* \* Effective Dates Secs. A.1 – A.59 \* \* \*

#### Sec. A.60. EFFECTIVE DATES

(a) This section and Secs. A.7 (pilot position sunset extension), A.8 (sunset extension), A.9 (Budget Report), A.12 (State Employees' Postemployment Benefits Trust Fund), A.13 (Vermont Pension Investment Committee; Duties), A.14, (Investment in Vermont Community Loan Fund), A.20 (e-filing), A.24 (military reclassification), A.26 (repurposing one-time appropriation), A.28-A.31 (Woodside), A.32-A.34 (Agency of Human Services fiscal year budget adjustments), A.35 (education fund appropriation technical correction), A.38 (Retired Teachers' Health and Medical Benefits Fund), A.40 (Bennington waterline loan subsidy increase), A.50-A.51 (Pre-K-12 CRF appropriations), A.52 (emergency medical/ambulance services funding), and A.53 (Labor Department authorization) shall take effect upon passage.

(b) All remaining A sections shall take effect on July 1, 2020.

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

(For text see House Journal June 5, 2020, page 1118 )

**Amendment to be offered by Reps. Hooper of Montpelier, Conquest of Newbury, Jessup of Middlesex, Lanpher of Vergennes, Myers of Essex, Toll of Danville, Townsend of South Burlington, and Yacovone of Morristown to H. 961**

Representatives Hooper of Montpelier, Conquest of Newbury, Jessup of Middlesex, Lanpher of Vergennes, Myers of Essex, Toll of Danville, Townsend of South Burlington, and Yacovone of Morristown move that the House concur in the Senate proposal of amendment with further amendment thereto by adding Secs. B.1 through B.5 and their accompanying reader assistance heading to read as follows:

\* \* \* Pay Act \* \* \*

Sec. B.1. APPROVAL OF FISCAL YEAR 2021 COMPENSATION  
INCREASES; CONSIDERATION OF FISCAL YEAR 2022  
COMPENSATION INCREASES AT A LATER DATE

(a) Funding of fiscal year 2021 collective bargaining agreement provisions.

(1) This act funds in fiscal year 2021 the provisions of the collective bargaining agreements between the State and the Vermont State Employees' Association for the Defender General, Non-Management, Supervisory, and Corrections bargaining units; for the State's Attorneys' offices bargaining unit; and for the Judicial bargaining unit, and between the State and the Vermont Troopers' Association, that apply during the period of July 1, 2020 through June 30, 2021.

(2) These collective bargaining agreements provide during that fiscal year 2021 period an average 1.9 percent step increase and a \$1,400.00 one-time payment to individuals employed as of July 1, 2020.

(b) Other permitted fiscal year 2021 increases. In fiscal year 2021, the Executive, Judicial, and Legislative Branches may extend the fiscal year 2021 provisions of the collective bargaining agreements that are funded by this act to employees not covered by the bargaining agreements as they determine to

be appropriate and in accordance with the appropriations provided to each branch.

(c) Fiscal year 2022. The General Assembly will consider any compensation increases for fiscal year 2022 at a later date.

#### Sec. B.2. FISCAL YEAR 2021 PAY ACT APPROPRIATIONS

(a) Executive Branch. In fiscal year 2021, the fiscal year 2021 provisions of the collective bargaining agreements between the State of Vermont and the Vermont State Employees' Association for the Defender General, Non-Management, Supervisory, and Corrections bargaining units, and, for the purpose of appropriation, the State's Attorneys' offices bargaining unit, for the period of July 1, 2020 through June 30, 2021; the collective bargaining agreement with the Vermont Troopers' Association, for the period of July 1, 2020 through June 30, 2021; and salary increases for employees in the Executive Branch not covered by the bargaining agreements shall be funded as follows:

(1) General Fund. The amount of \$11,553,795.00 is appropriated from the General Fund to the Secretary of Administration for distribution to departments to fund the fiscal year 2021 compensation increases permitted by this act.

(2) Transportation Fund. The amount of \$3,911,750.00 is appropriated from the Transportation Fund to the Secretary of Administration for distribution to the Agency of Transportation and the Department of Public Safety to fund the fiscal year 2021 compensation increases permitted by this act.

(3) Other funds. The Administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the fiscal year 2021 compensation increases permitted by this act. The estimated amounts are \$12,809,440.00 from special fund, federal, and other sources.

(4) Transfers. With due regard to the possible availability of other funds, for fiscal year 2021, the Secretary of Administration may transfer from the various appropriations and various funds and from the receipts of the Liquor Control Board such sums as the Secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by State funds.

(b) Judicial Branch. In fiscal year 2021, the amount of \$872,330.00 is appropriated from the General Fund to the Judiciary to fund the fiscal year 2021 provisions of the collective bargaining agreement between the State of



Vermont and the Vermont State Employees' Association for the Judicial bargaining unit for the period of July 1, 2020 through June 30, 2021 and salary increases for employees in the Judicial Branch not covered by the bargaining agreement.

(c) Legislative Branch. In fiscal year 2021, the amount of \$241,000.00 is appropriated from the General Fund to the Legislative Branch for the period of July 1, 2020 through June 30, 2021.

Sec. B.3. 32 V.S.A. § 1051 is amended to read:

§ 1051. SPEAKER OF THE HOUSE AND PRESIDENT PRO TEMPORE  
OF THE SENATE; COMPENSATION AND EXPENSE  
REIMBURSEMENT

(a) The Speaker of the House and the President Pro Tempore of the Senate shall be entitled to receive annual compensation of \$10,080.00 for the 2005 Biennial Session and thereafter, to be paid in biweekly payments, provided that, beginning on January 1, 2007, the annual compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, except that, beginning on July 1, 2021 and annually thereafter on January 1, the annual compensation shall be adjusted consistent with the compensation increases provided to other constitutional officers. In addition to the annual compensation, the Speaker and President Pro Tempore shall be entitled to receive:

(1) \$652.00 a week for the 2005 Biennial Session and thereafter, to be paid in biweekly payments during the regular and adjourned sessions of the General Assembly, provided that, beginning on January 1, 2007, the weekly compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, except that, beginning on July 1, 2021 and annually thereafter on January 1, the weekly compensation shall be adjusted consistent with the compensation increases provided to other constitutional officers;

(2) an amount equal to one-fifth of the annually adjusted weekly compensation set forth in subdivision (1) of this subsection, rounded up to the nearest dollar, per day during a special session of the General Assembly; and

(3) mileage, meals, and lodging expenses as provided to members of the General Assembly under subsection 1052(b) of this title during the biennial, adjourned, and special sessions of the General Assembly and in addition such other actual and necessary expenses incurred while engaged in duties imposed by law.

\* \* \*

Sec. B.4. 32 V.S.A. § 1052 is amended to read:

§ 1052. MEMBERS OF THE GENERAL ASSEMBLY; COMPENSATION  
AND EXPENSE REIMBURSEMENT

(a)(1) Each member of the General Assembly, other than the Speaker of the House and the President Pro Tempore of the Senate, is entitled to a weekly salary of \$589.00 for the 2005 Biennial Session and thereafter; provided that, beginning on January 1, 2007, the weekly compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, except that, beginning on July 1, 2021 and annually thereafter on January 1, the weekly compensation shall be adjusted consistent with the compensation increases provided to other constitutional officers. The salary of members shall be paid in biweekly installments.

(2) During a special session, a member is entitled to an amount equal to one-fifth of the annually adjusted weekly compensation set forth in subdivision (1) of this subsection, rounded up to the nearest dollar, for each day of a special session on which the House of which he or she is a member shall sit.

\* \* \*

Sec. B.5. EFFECTIVE DATES

(a) This section and Secs. B.1 and B.2 (authorized increases and appropriations) shall take effect on July 1, 2020.

(b) Secs. B.3 and B.4 (legislators; compensation adjusted consistent with other constitutional officers) shall take effect on July 1, 2021.

**Amendment to be offered by Reps. Fagan of Rutland City, Conquest of Newbury, Feltus of Lyndon, Helm of Fair Haven, Hooper of Montpelier, Jessup of Middlesex, Lanpher of Vergennes, Myers of Essex, Toll of Danville, Townsend of South Burlington, and Yacovone of Morristown to H. 961**

Representatives Fagan of Rutland City, Conquest of Newbury, Feltus of Lyndon, Helm of Fair Haven, Hooper of Montpelier, Jessup of Middlesex, Lanpher of Vergennes, Myers of Essex, Toll of Danville, Townsend of South Burlington, and Yacovone of Morristown move that the House concur in the Senate proposal of amendment with further amendment thereto by amending Sec. A.10(a) to read:

(a) Creation. There is created the Select Committee on the Future of Public Higher Education in Vermont (Committee) to assist the State of Vermont in addressing the urgent needs of the Vermont State Colleges (VSC) and develop an integrated vision and plan for a high-quality, affordable, and workforce-connected future for public higher education in the State.

**Amendment to be offered by Reps. Lanpher of Vergennes and Toll of Danville to H. 961**

Representatives Lanpher of Vergennes and Toll of Danville move that the House concur in the Senate Proposal of Amendment with further proposal of amendment as follows:

In Sec. A.49, by striking out subdivision (15) in its entirety and inserting in lieu thereof a new subdivision (15) to read as follows:

(15) Department of Disabilities, Aging, and Independent Living (DAIL): \$2,450,000 is appropriated to DAIL to provide financial stability grant funding to the 12 adult day providers statewide to continue to support the facilities, service infrastructure, and necessary operating costs for July 2020 through September 2020 as these programs remained closed due the COVID-19 crisis and prepare to reopen safely for the vulnerable populations they serve at the end of their closure period. Funds shall be distributed on or before July 20, 2020 to each program. The first distribution of funds shall be for costs submitted by the providers, and any remaining funds shall be distributed equitably among the 12 adult day programs to assist with other COVID-19 pandemic related financial losses. Medicaid retainer payments, less any State recoupment received by an adult day program for the month of July 2020, shall be deducted from that program's grant pursuant this section.

**Amendment to be offered by Rep. Browning of Arlington to H. 961**

Representative Browning of Arlington moves to substitute an amendment for the one offered by Rep. Hooper of Montpelier and others by moving that the House concur in the Senate proposal of amendment with further amendment thereto by adding Secs. B.1 and B.2 and their accompanying reader assistance heading to read as follows:

\* \* \* Pay Act \* \* \*

**Sec. B.1. NO FUNDING OF CURRENT COLLECTIVE BARGAINING AGREEMENTS; CONSIDERATION OF ANY RENEGOTIATED COLLECTIVE BARGAINING AGREEMENTS**

(a) The General Assembly will not fund the collective bargaining agreements between the State and the Vermont State Employees' Association

for the Defender General, Non-Management, Supervisory, and Corrections bargaining units; for the State's Attorneys' offices bargaining unit; and for the Judicial bargaining unit, and between the State and the Vermont Troopers' Association, for the periods of July 1, 2020 through June 30, 2022, as currently presented.

(b) The General Assembly is willing to consider renegotiated collective bargaining agreements that provide more moderate compensation increases and reflect the State's ongoing revenue constraints.

#### Sec. B.2. EFFECTIVE DATE

This section and Sec. B.1 shall take effect on passage.

### **Senate Proposal of Amendment to House Proposal of Amendment**

#### **S. 338**

An act relating to justice reinvestment

The Senate concurs in the House proposal of amendment with the following proposals of amendment thereto:

First: By striking out Sec. 11, 28 V.S.A. § 724, in its entirety and inserting in lieu thereof the following:

Sec. 11. 28 V.S.A. § 724 is amended to read:

#### § 724. TERMS AND CONDITIONS OF CONDITIONAL REENTRY COMMUNITY SUPERVISION FURLOUGH

(a) Authority of the Department. The Department shall identify in the terms and conditions of ~~conditional reentry~~ community supervision furlough those programs necessary to reduce the offender's risk of reoffense and to promote the offender's accountability for progress in the reintegration process. The Department shall make all determinations of violations of conditions of community supervision furlough pursuant to this subchapter and any resulting change in status or termination of community supervision furlough status.

(b) 90-day interruption or revocation. Any interruption of an offender's community supervision furlough after the Department has found a technical violation of furlough conditions shall trigger a Department Central Office case staffing review and Department notification to the Office of the Defender General if the interruption will be 90 days or longer.

(c) Appeal. An offender whose furlough status is revoked or interrupted for 90 days or longer shall have the right to appeal the Department's determination to the Civil Division of the Superior Court in accordance with Rule 74 of the Vermont Rules of Civil Procedure. The appeal shall be based

on a de novo review of the record. The appellant may offer testimony, and, in its discretion for good cause shown, the court may accept additional evidence to supplement the record. The appellant shall have the burden of proving by a preponderance of the evidence that the Department abused its discretion in imposing a furlough revocation or interruption for 90 days or longer pursuant to subsection (d) of this section.

(d) Technical violations.

(1) As used in this section, “technical violation” means a violation of conditions of furlough that does not constitute a new crime.

(2) It shall be abuse of the Department’s discretion to revoke furlough or interrupt furlough status for 90 days or longer for a technical violation, unless:

(A) the offender’s risk to reoffend can no longer be adequately controlled in the community, and no other method to control noncompliance is suitable; or

(B) the violation or pattern of violations indicate the offender poses a danger to others or to the community or poses a threat to abscond or escape from furlough.

Second: By striking out Sec. 12, 28 V.S.A. § 724, in its entirety and inserting in lieu thereof the following:

Sec. 12. [Deleted].

Third: In Sec. 21, Justice Reinvestment II Working Group, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) Oversight and implementation of Justice Reinvestment II. Subject to the availability of Bureau of Justice Assistance funding for the involvement of the Council of State Governments, the Justice Reinvestment II Working Group, established by the Governor in Executive Order 03-19, shall oversee the implementation of Justice Reinvestment II as provided in this section. A representative of the Vermont Parole Board shall join the Justice Reinvestment II Working Group to carry out the duties set forth in this section. In the event that such federal funding is not available, the duties set forth in subsection (b) of this section shall be carried out by the Joint Legislative Justice Oversight Committee in consultation with the members of the Justice Reinvestment II Working Group and a representative of the Vermont Parole Board, and any resulting recommendations of the Committee shall be introduced in the form of proposed legislation for the 2021 or 2022 legislative session.

Fourth: In Sec. 21, Justice Reinvestment II Working Group, in subsection (b), by striking out subdivision (7) in its entirety and inserting in lieu thereof the following:

(7) evaluate the policy of parole eligibility for older adult inmates who are not serving a sentence of life without parole and who have served a portion of their sentence but not the minimum term;

Fifth: In Sec. 21, Justice Reinvestment II Working Group, subdivision (c)(1), by striking out the words “, a process by which offenders may appeal certain furlough revocations or interrupts by the Department,”

Sixth: In Sec. 26, effective dates, by striking out subsections (a) and (b) in their entirety and inserting in lieu thereof the following:

(a) This section and Secs. 14 (earned good time; reduction of term), 19 (racial disparities in the criminal justice system study and recommendations; Vermont Sentencing Commission), 21 (Justice Reinvestment II Working Group; oversight and implementation of Justice Reinvestment II), 22 (Agency of Human services; report to Justice Reinvestment II Working Group), and 25 (repeals) shall take effect on passage.

And by relettering the remaining subsections to be alphabetically correct.

**(For House Proposal of Amendment see House Journal June 10, 2020 Page 1159)**

### **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

