

House Calendar

Friday, September 18, 2020

256th 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
Favorable with Amendment
H. 783**

An act relating to recovery residences

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

Sec. 1. LEGISLATIVE INTENT

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

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

§ 4812. RECOVERY RESIDENCES

(a) Definition.

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

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

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

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

(b) Voluntary arrangement. The decision to live in a recovery residence

shall be voluntary and shall not be required or mandated by any private or public entity or individual.

(c) Terms of residency; compliance.

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

(2) Residential rental agreement.

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

(i) the policies and procedures governing the tenancy;

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

(iii) the consequences of noncompliance;

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

(v) payment requirements;

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

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

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

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

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

(3) Temporary removal.

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

(i) A recovery residence shall:

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

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

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

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

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

(4) Termination of tenancy.

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

(i) A recovery residence shall:

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

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

(III) adopt a review process under which:

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

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

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

decision.

(ii) A recovery residence shall not:

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

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

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

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

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

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

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

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

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

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

* * *

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

subdivision (G) does not require a municipality to allow a greater number of residential care homes or group homes on a lot than the number of single-family dwellings allowed on the lot.

* * *

Sec. 4. REPORT; RECOVERY RESIDENCE; FURLOUGH

On or before January 1, 2021 and annually thereafter through January 1, 2024, the Department of Corrections shall submit a report to the House Committees on General, Housing, and Military Affairs, on Corrections and Institutions, and on Human Services and to the Senate Committees on Economic Development, on Health and Welfare, and on Judiciary containing the number of individuals on furlough who reside in recovery residences as defined in 18 V.S.A. § 4812 and the number of individuals who have violated the conditions of their furlough and were removed from their recovery residence and returned to prison.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 8-1-2)

Rep. Redmond of Essex, for the Committee on Human Services, recommends the bill ought to pass when amended as recommended by the Committee on General, Housing, and Military Affairs and when further amended as follows:

First: In Sec. 2, 18 V.S.A. § 4812, in subdivision (a)(1)(A), by striking out “available to persons recovering from substance use disorder;” and inserting in lieu thereof “.”

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

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

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

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

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

(Committee Vote: 9-0-2)

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

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

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

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

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

**Unfinished Business of Tuesday, September 8 2020
Senate Proposal of Amendment
H. 663**

An act relating to expanding access to contraceptives

The Senate proposes to the House to amend the bill by striking Sec. 11, effective dates, and its reader assistance heading in their entireties and inserting in lieu thereof the following:

* * * School Wellness * * *

Sec. 11. 16 V.S.A. § 136 is amended to read:

§ 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS
AND COMPREHENSIVE HEALTH

(a) As used in this section:

* * *

(5) “Wellness program” means a program that includes comprehensive

health education as defined in section 131 of this title, fitness, and nutrition.

(b) The Secretary with the approval of the State Board shall establish an Advisory Council on Wellness and Comprehensive Health that shall include at least three members associated with the health services field with expertise in health services, health education, or health policy. The members shall serve without compensation but shall receive their actual expenses incurred in connection with their duties relating to wellness and comprehensive health programs. The Council shall assist the Agency to plan, coordinate, and encourage wellness and comprehensive health programs in the public schools and shall meet not less than twice a year.

(c) The Secretary shall collaborate with other officials, agencies, and councils working on childhood wellness, including the Director of Trauma Prevention and Resilience Development established in 33 V.S.A. § 3403 and the Substance Misuse Prevention Oversight and Advisory Council created in 18 V.S.A. § 4803, to:

(1) Supervise the preparation of appropriate nutrition and fitness wellness program curricula for use in the public schools, promote programs for the preparation of teachers to teach these curricula, and assist in the development of wellness programs.

* * *

(5) Create a process for schools to share with the Department of Health any data collected about the height and weight of students in kindergarten through grade six. The Commissioner of Health may report any data compiled under this subdivision on a countywide basis. Any reporting of data must protect the privacy of individual students and the identity of participating schools.

* * *

Sec. 12. SCHOOL WELLNESS POLICY

On or before January 15, 2021, the Agency of Education, in collaboration with the Advisory Council on Wellness and Comprehensive Health created under 16 V.S.A. § 136, shall update and distribute to school districts a model wellness program policy, using the expanded definition of “wellness program” under 16 V.S.A. § 136, as amended by this act, that shall:

(1) be in compliance with all relevant State and federal laws; and

(2) reflect nationally accepted best practices for comprehensive health education and school wellness policies, such as guidance from the Centers for Disease Control and Prevention’s Whole School, Whole Community, Whole

Child Model.

* * * Menstrual Hygiene Products * * *

Sec. 13. 16 V.S.A. § 1432 is added to read:

§ 1432. MENSTRUAL HYGIENE PRODUCTS

(a) By enacting this statute, the General Assembly intends to ensure that a female student attending a public school or an approved independent school has access to menstrual hygiene products at no cost and without the embarrassment of having to request them.

(b) A school district and an approved independent school shall make menstrual hygiene products available at no cost in a majority of gender-neutral bathrooms and bathrooms designated for females that are generally used by females in any of grades five through 12 in each school within the district or under the jurisdiction of the board of the independent school. The school district or independent school, in consultation with the school nurse who provides services to the school, shall determine which of the gender-neutral bathrooms and bathrooms designated for females to stock with menstrual hygiene products and which brands to use.

(c) School districts and approved independent schools shall bear the cost of supplying menstrual hygiene products and may seek grants or partner with a nonprofit or community-based organization to fulfill this obligation.

* * * Effective Dates * * *

Sec. 14. EFFECTIVE DATES

(a) Secs. 2 (8 V.S.A. § 4099c), 7 (26 V.S.A. § 2022), and 8 (26 V.S.A. § 2023) shall take effect on January 1, 2021.

(b) Sec. 13 (16 V.S.A. § 1432) shall take effect on November 1, 2020, and school districts and approved independent schools shall comply with the requirements of that section for the 2021–2022 school year and thereafter.

(c) The remainder of this act shall take effect on November 1, 2020.

(For text see House Journal March 13, 2020)

Amendment to be offered by to Reps. McFaun of Barre Town, Brumsted of Shelburne, Gregoire of Fairfield, Haas of Rochester, Nicoll of Ludlow, Noyes of Wolcott, Pajala of Londonderry, Pugh of South Burlington, Redmond of Essex, and Wood of Waterbury to H. 663

Representatives McFaun of Barre Town, Brumsted of Shelburne, Gregoire of Fairfield, Haas of Rochester, Nicoll of Ludlow, Noyes of Wolcott, Pajala of

Londonderry, Pugh of South Burlington, Redmond of Essex, and Wood of Waterbury move that the House concur with the Senate proposal of amendment with further proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Purpose * * *

Sec. 1. PURPOSE

Vermont has taken many steps to improve access to effective methods of contraception, including requiring health insurance to cover at least one drug, device, or product in each of the 18 methods of contraception for women without cost-sharing, as well as covering voluntary sterilizations for men and women without cost sharing and allowing a patient to have a 12-month supply of oral contraceptives dispensed all at once, as codified at 8 V.S.A. § 4099c, and directing Medicaid reimbursement policies that encourage the use of long-acting reversible contraceptives, as found in 2015 Acts and Resolves No. 120, Sec. 2 and in 33 V.S.A. § 1901j. The General Assembly finds, however, that some of these initiatives have not been implemented consistently across the State. In addition to a request that the Department of Financial Regulation investigate compliance with existing State and federal laws regarding access to contraceptives and take appropriate enforcement action as needed, this bill seeks to provide further opportunities for Vermonters to learn about and obtain contraceptives in order to prevent or reduce unintended pregnancies and sexually transmitted diseases in this State.

* * * Expanding Access to Contraceptives * * *

Sec. 2. 8 V.S.A. § 4099c is amended to read:

§ 4099c. REPRODUCTIVE HEALTH EQUITY IN HEALTH INSURANCE
COVERAGE

(a) As used in this section, “health insurance plan” means any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer, as defined by 18 V.S.A. § 9402. The term shall not include benefit plans providing coverage for a specific disease or other limited benefit coverage.

(b) A health insurance plan shall provide coverage for outpatient contraceptive services including sterilizations, and shall provide coverage for the purchase of all prescription contraceptives and prescription contraceptive devices approved by the federal Food and Drug Administration, except that a health insurance plan that does not provide coverage of prescription drugs is

not required to provide coverage of prescription contraceptives and prescription contraceptive devices. A health insurance plan providing coverage required under this section shall not establish any rate, term, or condition that places a greater financial burden on an insured or beneficiary for access to contraceptive services, prescription contraceptives, and prescription contraceptive devices than for access to treatment, prescriptions, or devices for any other health condition.

(c) A health insurance plan shall provide coverage without any deductible, coinsurance, co-payment, or other cost-sharing requirement for at least one drug, device, or other product within each method of contraception for women identified by the U.S. Food and Drug Administration (FDA) and prescribed by an insured's health care provider.

(1) The coverage provided pursuant to this subsection shall include patient education and counseling by the patient's health care provider regarding the appropriate use of the contraceptive method prescribed.

(2)(A) If there is a therapeutic equivalent of a drug, device, or other product for an FDA-approved contraceptive method, a health insurance plan may provide coverage for more than one drug, device, or other product and may impose cost-sharing requirements as long as at least one drug, device, or other product for that method is available without cost-sharing.

(B) If an insured's health care provider recommends a particular service or FDA-approved drug, device, or other product for the insured based on a determination of medical necessity, the health insurance plan shall defer to the provider's determination and judgment and shall provide coverage without cost-sharing for the drug, device, or product prescribed by the provider for the insured.

(d) A health insurance plan shall provide coverage for voluntary sterilization procedures for men and women without any deductible, coinsurance, co-payment, or other cost-sharing requirement, except to the extent that such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223.

(e) A health insurance plan shall provide coverage without any deductible, coinsurance, co-payment, or other cost-sharing requirement for clinical services associated with providing the drugs, devices, products, and procedures covered under this section and related follow-up services, including management of side effects, counseling for continued adherence, and device insertion and removal.

(f)(1) A health insurance plan shall provide coverage for a supply of

prescribed contraceptives intended to last over a 12-month duration, which may be furnished or dispensed all at once or over the course of the 12 months at the discretion of the health care provider. The health insurance plan shall reimburse a health care provider or dispensing entity per unit for furnishing or dispensing a supply of contraceptives intended to last for 12 months.

(2) This subsection shall apply to Medicaid and any other public health care assistance program offered or administered by the State or by any subdivision or instrumentality of the State.

(g) Benefits provided to an insured under this section shall be the same for the insured's covered spouse and other covered dependents.

(h) The coverage requirements of this section shall apply to self-administered hormonal contraceptives prescribed for an insured by a pharmacist in accordance with 26 V.S.A. § 2023.

Sec. 3. 16 V.S.A. § 131 is amended to read:

§ 131. ~~DEFINITIONS~~ DEFINITION

~~For purposes of~~ As used in this subchapter title, “comprehensive health education” means a systematic and extensive elementary and secondary educational program designed to provide a variety of learning experiences based upon knowledge of the human organism as it functions within its environment. The term includes the study of:

(1) Body structure and function, including the physical, psychosocial, and psychological basis of human development, sexuality, and reproduction.

(2) Community health to include environmental health, pollution, public health, and world health.

(3) Safety, including:

(A) first aid, disaster prevention, and accident prevention; and

(B) information regarding and practice of compression-only cardiopulmonary resuscitation and the use of automated external defibrillators.

(4) Disease, such as HIV infection, other sexually transmitted diseases, as well as other communicable diseases, and the prevention of disease.

(5) Family health and mental health, including instruction that promotes the development of responsible personal behavior involving decision making about sexual activity, including abstinence; skills that strengthen existing family ties involving communication, cooperation, and interaction between parents and students; and instruction to aid in the establishment of strong family life in the future, thereby contributing to the enrichment of the

community; and which promotes an understanding of depression and the signs of suicide risk in a family member or fellow student that includes how to respond appropriately and seek help and provides an awareness of the available school and community resources such as the local suicide crisis hotline.

(6) Personal health habits, including dental health.

(7) Consumer health, including health careers, health costs, and utilizing health services.

(8) Human growth and development, including understanding the physical, emotional, and social elements of individual development and interpersonal relationships, including instruction in parenting methods and styles. This shall include information regarding the possible outcomes of premature sexual activity, contraceptives, adolescent pregnancy, childbirth, adoption, and abortion.

(9) Drugs, including education about alcohol, caffeine, nicotine, and prescribed drugs.

(10) Nutrition.

(11) How to recognize and prevent sexual abuse and sexual violence, including developmentally appropriate instruction about promoting healthy and respectful relationships, developing and maintaining effective communication with trusted adults, recognizing sexually offending behaviors, and gaining awareness of available school and community resources. An employee of the school shall be in the room during the provision of all instruction or information presented under this subdivision.

Sec. 4. 16 V.S.A. § 132 is added to read:

§ 132. SECONDARY SCHOOLS; PROVISION OF CONTRACEPTIVES

In order to prevent or reduce unintended pregnancies and sexually transmitted diseases, each school district shall make condoms available to all students in its secondary schools, free of charge. School district administrative teams, in consultation with school district nursing staff, shall determine the best manner in which to make condoms available to students. At a minimum, condoms shall be placed in locations that are safe and readily accessible to students, including the school nurse's office.

Sec. 5. 18 V.S.A. § 12 is added to read:

§ 12. PROVISION OF INFORMATION REGARDING CONTRACEPTIVES

In order to prevent or reduce unintended pregnancies and sexually

transmitted diseases, the Department of Health, in partnership with health care providers and health insurers, shall communicate to adolescents and other individuals of reproductive age information regarding contraceptive access and coverage.

* * * Exception to Mandatory Reporting for School Employees
Providing Condoms * * *

Sec. 6. 33 V.S.A. § 4913 is amended to read:

§ 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL
ACTION

(a) A mandated reporter is any:

* * *

(2) individual who is employed by a school district or an approved or recognized independent school, or who is contracted and paid by a school district or an approved or recognized independent school to provide student services, including any:

(A) school superintendent;

(B) headmaster of an approved or recognized independent school as defined in 16 V.S.A. § 11;

(C) school teacher;

(D) student teacher;

(E) school librarian;

(F) school principal; and

(G) school guidance counselor;

* * *

(l) A mandated reporter as described in subdivision (a)(2) of this section shall not be deemed to have violated the requirements of this section solely on the basis of making condoms available to a secondary school student in accordance with 16 V.S.A. § 132.

Sec. 7. [Deleted.]

Sec. 8. [Deleted.]

Sec. 9. [Deleted.]

Sec. 10. COMPREHENSIVE HEALTH EDUCATION; REPORT

On or before April 15, 2021, the Agency of Education and Department of Health shall report to the House Committees on Human Services and on Education and the Senate Committees on Health and Welfare and on Education regarding their continued efforts to support schools and school districts in providing comprehensive health education to Vermont students, as required by 16 V.S.A. § 906(b)(3) and as defined in 16 V.S.A. § 131, including sexual health and safety.

* * * Effective Dates * * *

Sec. 11. EFFECTIVE DATES

(a) Secs. 2 (8 V.S.A. § 4099c), 4 (16 V.S.A. § 132), and 6 (33 V.S.A. § 4913) shall take effect on July 1, 2021.

(b) The remainder of this act shall take effect on November 1, 2020.

**Unfinished Business of Thursday, September 17, 2020
Senate Proposal of Amendment**

H. 954

An act relating to miscellaneous tax provisions

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

First: By striking out Sec. 4, property tax collection, in its entirety and inserting in lieu thereof:

Sec. 4. [Deleted.]

Second: By striking out Sec. 8, 32 V.S.A. § 5870, in its entirety and inserting in lieu thereof:

Sec. 8. USE TAX SAFE HARBOR; REPORT

On or before January 15, 2021, the Department of Taxes, with the assistance of the Joint Fiscal Office, shall provide the General Assembly with a report on the remittance of the Vermont use tax on taxpayers' State individual income tax returns as provided under 32 V.S.A. § 5870. The report required under this section shall:

(1) analyze the fiscal impact on the remittance of the Vermont use tax of the following:

(A) the U.S. Supreme Court decision in *South Dakota v. Wayfair*, 138 S. Ct. 2080 (2108) and the conforming Vermont remote seller collection requirements imposed under 32 V.S.A. § 9701(9)(F) and (9)(G); and

(B) the enactment of marketplace facilitator collection requirements in 2019 Acts and Resolves No. 46; and

(2) recommend options for amending the alternative reporting of use tax

that a taxpayer may elect under 32 V.S.A. § 5870(a), including a reduction of the amount that is a percentage of a taxpayer's adjusted gross income, given the fiscal impact analysis required under subdivision (1) of this section.

Third: After Sec. 10, noncollecting vendor reporting, by adding a new Sec. 10a to read as follows:

Sec. 10a. 32 V.S.A. § 9741(54) is added to read:

(54) Sales of recyclable paper carryout bags to customers pursuant to 10 V.S.A. § 6693, provided that sales of recyclable paper carryout bags to stores and food service establishments as defined under 10 V.S.A. § 6691 shall not be exempt under this subdivision and shall not be considered sales for resale under 32 V.S.A. § 9701(5).

Fourth: By striking out Sec. 12, 32 V.S.A. § 9248, in its entirety and inserting in lieu thereof a new Sec. 12 to read as follows:

Sec. 12. 32 V.S.A. § 9248 is amended to read:

§ 9248. INFORMATIONAL REPORTING

The Department of Taxes shall ~~may~~ collect information on operators from persons providing an Internet platform for the short-term rental of property for occupancy in this State. The information collected shall include any information the Commissioner shall require, and the name, address, and terms of the rental transactions of persons acting as operators through the Internet platform. The failure to provide information as required under this section shall subject the person operating the Internet platform to a fine of \$5.00 for each instance of failure. The Commissioner is authorized to adopt rules and procedures to implement this section.

Fifth: By striking out Sec. 19, 32 V.S.A. § 5825a(b), in its entirety and inserting in lieu thereof the following:

Sec. 19. 32 V.S.A. § 5825a is amended to read:

§ 5825a. CREDIT FOR VERMONT HIGHER EDUCATION INVESTMENT PLAN CONTRIBUTIONS

(a) A taxpayer of this State, including each spouse filing a joint return, shall be eligible for a nonrefundable credit against the tax imposed under section 5822 of this title of 10 percent of the first \$2,500.00 per beneficiary, contributed by the taxpayer during the taxable year to a Vermont ~~higher education investment plan~~ Higher Education Investment Plan account under 16 V.S.A. chapter 87, subchapter 7, provided the account is provided directly by the Vermont Student Assistance Corporation to the participant.

(b) A taxpayer who has received a credit under subsection (a) of this section shall repay to the Commissioner 10 percent of any distribution from a higher education investment plan account, ~~which distribution is not used exclusively for costs of attendance at an approved postsecondary education institution as defined in 16 V.S.A. § 2822(6)~~, up to a maximum of the total credits received by the taxpayer under subsection (a) of this section minus any amount of repayment of such credits in prior tax years except when the distribution:

(1) is used exclusively for costs of attendance at an approved postsecondary education institution as defined in 16 V.S.A. § 2822(6);

(2) qualifies as an expense associated with a registered apprenticeship program pursuant to 26 U.S.C. § 529(c)(8); or

(3) is made after the death of the beneficiary or after the beneficiary becomes disabled pursuant to subdivisions (q)(2)(C) and (m)(7) of 26 U.S.C. § 72.

(c) Repayments under ~~this subsection (b) of this section~~ shall be subject to assessment, notice, penalty and interest, collection, and other administration in the same manner as an income tax under this chapter.

Sec. 19a. 16 V.S.A. chapter 87, subchapter 7 is amended to read:

* * *

§ 2876. DEFINITIONS

As used in this subchapter, except where the context clearly requires another interpretation:

(1) “Beneficiary” means any individual designated by a participation agreement to benefit from payments for qualified postsecondary education costs ~~at an institution of postsecondary education.~~

(2) “Benefits” means the payment of qualified postsecondary education costs on behalf of a beneficiary ~~by the Corporation’s Investment Plan during the beneficiary’s attendance at an institution of postsecondary education from a participant’s investment plan account.~~

(3) “Corporation” means Vermont Student Assistance Corporation.

(4) “Internal Revenue Code” means the federal Internal Revenue Code of 1986, as amended, together with the regulations promulgated ~~thereunder~~ pursuant to that Code.

(5) “Qualified postsecondary education costs” means the ~~qualified costs of tuition and fees and other expenses for attendance at an approved~~

postsecondary education institution costs of tuition and fees for attendance at an approved postsecondary education institution, and other qualified higher education expenses as provided under 26 U.S.C. § 529.

(6) “Approved postsecondary education institution” means a postsecondary education institution as defined in section 2822 of this title.

(7) “Vermont Higher Education Investment Plan” or “Investment Plan” means ~~the program~~ one or more plans created pursuant to this subchapter.

(8) “Participant” means a person who has entered into a participation agreement pursuant to this subchapter intended for the advance payment of qualified postsecondary education costs on behalf of a beneficiary.

(9) “Participation agreement” means an agreement between a participant and the Corporation, pursuant to and conforming with the requirements of this subchapter.

§ 2877. VERMONT HIGHER EDUCATION INVESTMENT PLAN CREATED

(a) There is created a program of the State to be known as the Vermont Higher Education Investment Plan and a trust for that purpose to be administered by the Vermont Student Assistance Corporation as an instrumentality of the State. The program may consist of one or more different investment plans, including one or more plans that may be offered to a participant only with the assistance of a qualified financial advisor.

(b) In order to establish and administer the Investment Plan, the Corporation, in addition to its other powers and authority, shall have the power and authority to:

* * *

(2) Enter into agreements with any ~~institution~~ of approved postsecondary education institution, the State, or any federal or other agency or entity as required for the operation of ~~the an~~ Investment Plan pursuant to this subchapter.

(3) Accept any grants, gifts, legislative appropriations, and other ~~moneys monies~~ from the State; any unit of federal, State, or local government; or any other person, firm, partnership, or corporation for ~~deposit~~ contribution to the account of the Investment Plan, or for the operation or other related purposes of the Corporation.

(4) Invest the funds received from participants in appropriate investment vehicles approved and held in trust for participants by the Corporation as selected by the participants, including education loans made by the

Corporation.

(5) Enter into participation agreements with participants.

(6) Develop and use two or more types of participation agreements to provide a range of investment ~~structures~~ options for participants.

(7) Make payments to ~~institutions of postsecondary education on behalf of beneficiaries~~ as directed by the participants pursuant to participation agreements.

(8) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in this subchapter and the rules ~~and regulations~~, policies, and procedures adopted by the Corporation.

(9) Make provision for the payment of costs of administration and operation of ~~the~~ an Investment Plan subject to the limitations on charges on participation agreements established in subdivision 2878(5) of this title.

(10) Adopt rules ~~and regulations~~, policies, and procedures to implement this subchapter and take all necessary action to ensure an Investment Plan is in conformance with the Internal Revenue Code and other applicable law.

* * *

§ 2878. PARTICIPATION AGREEMENTS FOR INVESTMENT PLAN

The Corporation shall have the authority to enter into Investment Plan participation agreements with participants ~~on behalf of beneficiaries~~ pursuant to the provisions of this subchapter, including the following terms and agreements:

(1) A participation agreement shall stipulate the terms and conditions of the Investment Plan ~~in~~ to which the participant makes ~~deposits~~ contributions.

(2) A participation agreement shall clearly specify the method for calculating the return on the ~~deposit made by the participant, which may be a variable or adjustable rate of return~~ various investment options available and shall reference the relevant expenses and other pertinent information about the account.

* * *

(4) A participation agreement shall clearly and prominently disclose to participants the risks associated with ~~depositing monies with the Corporation~~ the various investment options available under the applicable Investment Plan.

(5) Participation agreements shall be organized and presented in a way

and with language that is easily understandable by the general public. A participation agreement shall clearly and prominently disclose to participants that the Corporation, the State, and any other governmental entity are not liable for, nor guarantee the return of or on the participant's contributions to an Investment Plan. A participation agreement shall also clearly and prominently disclose to participants the existence of any load charge or similar charge assessed against the accounts of the participants for administration, operation, or services. No fee or similar charge may be imposed with regard to an investment managed by the Corporation. Any fee, load, or similar charge with regard to any investment not managed by the Corporation shall be no greater than the cost determined by the Corporation to be required to administer the investment. The cost of originating and servicing any education loans made or acquired pursuant to participation agreements shall not be considered as load charges or similar charges.

* * *

§ 2878a. PARTICIPATION AGREEMENTS FOR INVESTMENT PLAN;
INDIVIDUAL DEVELOPMENT INVESTMENT ACCOUNTS

The Corporation may participate in the Individual Development Investment Program established under 33 V.S.A. § 1123, in accordance with the rules of the Agency of Human Services adopted thereunder, in connection with an individual or family who, at the time of ~~depositing~~ contributing funds into an account created pursuant to a Vermont Higher Education Investment Plan, receives public assistance or is otherwise an eligible saver under 33 V.S.A. § 1123.

§ 2879. INVESTMENT AND PAYMENTS

All money paid by a participant in connection with a participation agreement shall be ~~deposited~~ credited to the participant's account as received, held by the Corporation in trust for the benefit of the participant, and shall be promptly invested by the Corporation as selected by the participant from the investment options available under the participation agreement. ~~Deposits and earnings thereon accumulated on behalf of participants in the Investment Plan~~ Contributions and earnings accumulated in a participant's Investment Plan account may be used, as provided in the participation agreement, for payments to any institution of postsecondary education including for payments of qualified postsecondary education costs. The trust shall continue in existence as long as it holds any funds belonging to a participant.

* * *

§ 2879c. TAX EXEMPTION

* * *

(b) Contributions to an account held under ~~the~~ a Vermont Higher Education Investment Plan that is provided directly by the Corporation to a participant shall be eligible for a credit against Vermont income tax as provided under 32 V.S.A. § 5825a.

§ 2879D. PROPERTY RIGHTS TO ASSETS IN THE PLAN

The assets of the Vermont Higher Education Investment Plan shall at all times be held in trust for the benefit of the participant, shall not be commingled with any other funds of the Corporation or the State, shall be preserved, invested, and expended solely and only for the purposes set forth in this chapter and in accordance with the participation agreements, and no property rights therein shall exist in favor of the Corporation or the State. Amounts held in, or withdrawn from, a participant's Investment Plan account under a participation agreement shall not be subject to liens, attachment, garnishment, levy, seizure, claim by creditors of the contributors, participants, or any beneficiary, or subject to any involuntary sale, transfer, or assignment by any execution or any other legal or equitable operation of law, including bankruptcy or insolvency laws.

* * *

Sixth: By inserting a Sec. 25a to read as follows:

Sec. 25a. 32 V.S.A. § 5933(a) is amended to read:

(a) A claimant agency may submit any debt of ~~\$50.00~~ \$45.00 or more to the Department for collection under the procedure established by this chapter. This setoff debt collection remedy is in addition to and not in substitution for any other remedy available by law.

Seventh: By striking out Sec. 27, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof Secs. 27–29 and their reader assistance headings to read as follows:

* * * Land Use Change Tax Lien Subordination * * *

Sec. 27. 2019 Acts and Resolves No. 20, Sec. 109 is amended to read:

Sec. 109. REPEALS

(a) 32 V.S.A. § ~~3757(f)~~ 3777 (land use change tax lien subordination) is repealed on July 1, 2020.

* * *

* * * Interest Rate; Overpayments and Underpayments * * *

Sec. 28. 32 V.S.A. § 3108(a) is amended to read:

(a) Not later than December 15 of each year, the Commissioner shall establish an annual rate of interest applicable to unpaid tax liabilities and tax overpayments that shall be equal to the average prime rate charged by banks during the immediately preceding 12 months commencing on October 1 of the prior year, rounded upwards to the nearest quarter percent. ~~Not later than December 15 of each year, the Commissioner shall establish an annual rate of interest applicable to unpaid tax liabilities, which in each instance shall be equal to the annual rate established for tax overpayments plus 200 basis points.~~ The ~~rates~~ rate established hereunder shall be effective on January 1 of the immediately following year. As used in this section, the term “prime rate charged by banks” shall mean the average predominate prime rate quoted by commercial banks to large businesses as determined by the Board of Governors of the Federal Reserve Board.

* * * Effective Dates * * *

Sec. 29. EFFECTIVE DATES

This act shall take effect on passage except:

(1) Sec. 10a, 32 V.S.A. § 9741(54) (sales and use tax exemption), shall take effect on July 1, 2020, provided that if the date of passage of this act is after July 1, 2020, then notwithstanding 1 V.S.A. § 214, Sec. 10a shall take effect retroactively on July 1, 2020.

(2) Sec. 11 (universal service charge) shall take effect on July 1, 2021.

(3) Notwithstanding 1 V.S.A. § 214, Secs. 13–14 (annual link to federal statutes) shall take effect retroactively on January 1, 2020 and apply to taxable years beginning on and after January 1, 2019.

(4) Notwithstanding 1 V.S.A. § 214, Sec. 16 (TY 2016 refunds) shall take effect retroactively on April 15, 2020.

(For text see House Journal June 25, 2020)

Amendment to be offered by the Committee on Ways and Means to H. 954

Rep. Scheu of Middlebury for the Committee on Ways and Means to which was referred House Bill No. 954 entitled “An act relating to miscellaneous tax provisions” moves that the House concur in the Senate proposal of amendment with further proposals of amendment as follows:

First: By striking out Sec. 4, [Deleted.], in its entirety and inserting a new

Sec. 4 to read as follows:

Sec. 4. BILLING AND COLLECTION OF EDUCATION PROPERTY TAX;
DEPARTMENT OF TAXES; REPORT

On or before February 1, 2021, the Department of Taxes, in consultation with the Vermont League of Cities and Towns, the Vermont Municipal Clerks' and Treasurers' Association, the Vermont Bankers Association, and the Association of Vermont Credit Unions, shall submit to the House Committees on Ways and Means and on Government Operations and the Senate Committees on Finance and on Government Operations a report studying potential approaches to transitioning the responsibility for billing and collecting the statewide education property tax from municipalities to the Department. The report shall include recommended legislation and estimates of the fiscal impact of the transition.

Second: By striking out Sec. 8, use tax safe harbor; report, in its entirety and inserting in lieu thereof the following:

Sec. 8. 32 V.S.A. § 5870 is amended to read:

§ 5870. REPORTING USE TAX ON INDIVIDUAL INCOME TAX
RETURNS

(a) The Commissioner of Taxes shall provide that individuals report use tax on their State individual income tax returns. Taxpayers are required to attest to the amount of their use tax liability under chapter 233 of this title for the period of the tax return. Alternatively, they may elect to report an amount that is a percentage of their adjusted gross income determined under subsection (b) of this section, ~~as shown on a table published by the Commissioner of Taxes;~~ and use tax liability arising from the purchase of each item with a purchase price in excess of \$1,000.00 shall be added to the table amount shown under subsection (b) of this section.

(b) The amount of use tax a taxpayer may elect to report under subsection (a) of this section shall be ~~0.10 percent of their adjusted gross income based on the taxpayer's adjusted gross income as determined by the following tables;~~ provided, however, that a taxpayer shall not be required to pay more than ~~\$500.00~~ \$150.00 for use tax liability under this subsection, arising from total purchases of items with a purchase price of \$1,000.00 or less.

<u>If adjusted gross income is:</u>	<u>The tax is:</u>
<u>Not over \$20,000.00</u>	<u>\$ 0.00</u>
<u>\$20,001.00 to \$30,000.00</u>	<u>\$10.00</u>
<u>\$30,001.00 to \$40,000.00</u>	<u>\$15.00</u>
<u>\$40,001.00 to \$50,000.00</u>	<u>\$20.00</u>
<u>\$50,001.00 to \$60,000.00</u>	<u>\$25.00</u>
<u>\$60,001.00 to \$70,000.00</u>	<u>\$30.00</u>
<u>\$70,001.00 to \$80,000.00</u>	<u>\$35.00</u>

<u>\$80,001.00 to \$90,000.00</u>	<u>\$40.00</u>
<u>\$90,001.00 to \$100,000.00</u>	<u>\$45.00</u>
<u>\$100,001.00 and over</u>	<u>the lesser of \$150.00 or 0.05% of adjusted gross income.</u>

Third: By striking out Sec. 10a, 32 V.S.A. § 9741(54), in its entirety and inserting new Secs. 10a–10d to read as follows:

Sec. 10a. 32 V.S.A. § 9701(60) is added to read:

(60) “Vendor-hosted prewritten computer software” means prewritten computer software that is accessed through the Internet or a vendor-hosted server regardless of whether the access is permanent or temporary and regardless of whether any downloading occurs.

Sec. 10b. 32 V.S.A. § 9771 is amended to read:

§ 9771. IMPOSITION OF SALES TAX

Except as otherwise provided in this chapter, there is imposed a tax on retail sales in this State. The tax shall be paid at the rate of six percent of the sales price charged for but in no case shall any one transaction be taxed under more than one of the following:

* * *

(7) tangible personal property to an advertising agency for its use in providing advertising services or creating advertising materials for transfer in conjunction with the delivery of advertising service; ~~or~~

(8) specified digital products transferred electronically to an end user regardless of whether for permanent use or less than permanent use and regardless of whether or not conditioned upon continued payment from the purchaser; or

(9) vendor-hosted prewritten computer software.

Sec. 10c. 32 V.S.A. § 9773 is amended to read:

§ 9773. IMPOSITION OF COMPENSATING USE TAX

Unless property or telecommunications service has already been or will be subject to the sales tax under this chapter, there is imposed on every person a use tax at the rate of six percent for the use within this State, except as otherwise exempted under this chapter:

* * *

(4) specified digital products transferred electronically to an end user; ~~and~~

(5) telecommunications service except coin-operated telephone service, private telephone service, paging service, private communications service, or value-added non-voice data service; and

(6) vendor-hosted prewritten computer software.

Sec. 10d. REPEAL

2015 Acts and Resolves No. 51, Sec. G.8 (prewritten software accessed remotely) is repealed.

Fourth: By striking out Secs. 26, official State revenue estimate, and 27, 2019 Acts and Resolves No. 20, Sec. 109, and their reader assistance headings in their entireties and inserting in lieu thereof:

Sec. 26. [Deleted.]

Sec. 27. [Deleted.]

Fifth: By striking out Sec. 29, effective dates, and its reader assistance heading in their entireties and inserting in lieu thereof:

* * * Tax Increment Financing Districts * * *

Sec. 29. TAX INCREMENT FINANCING DISTRICTS; DEBT

INCURRENCE PERIODS; EXTENSIONS

(a) Notwithstanding any other provision of law, the period to incur indebtedness is extended for the following tax increment financing districts:

(1) The Barre City Downtown Tax Increment Financing District is extended to March 31, 2023.

(2) The Bennington Downtown Tax Increment Financing District is extended to March 31, 2028.

(3) The Burlington Downtown Tax Increment Financing District is extended to March 31, 2022.

(4) The three properties located within the Burlington Waterfront Tax Increment Financing District at 49 Church Street and 75 Cherry Street, as designated on the City of Burlington's Tax Parcel Maps as Parcel ID# 044-4-004-000, Parcel ID# 044-4-004-001, and Parcel ID# 044-4-033-000, is extended to June 30, 2022; provided, however, that the extension of the period to incur indebtedness is subject to the City of Burlington's submission to the Vermont Economic Progress Council on or before June 30, 2022 of an executed construction contract with a completion guarantee by the owner of the parcels evidencing commitment to construct not less than \$50 million of private development on the parcels.

(5) The Montpelier Tax Increment Financing District is extended to March 31, 2029.

(6) The South Burlington Tax Increment Financing District is extended to March 31, 2023.

(7) The St. Albans City Downtown Tax Increment Financing District is extended to March 31, 2023.

(b) This section does not:

(1) extend any period that the municipal or education tax increment may be retained by the tax increment financing districts listed in subsection (a) of this section.

(2) amend any other tax increment financing requirements set forth in 24 V.S.A. chapter 53, subchapter 5; 32 V.S.A. § 5404a; or the TIF District Rule adopted in May 2015, applicable to the tax increment financing districts listed in subsection (a) of this section.

Sec. 30. 2013 Acts and Resolves No. 80, Sec. 18, as amended by 2016 Acts and Resolves No. 134, Sec. 9a, is further amended to read:

Sec. 18. BURLINGTON WATERFRONT TIF

(a) The authority of the City of Burlington to incur indebtedness for its waterfront tax increment financing district is hereby extended for five years beginning January 1, 2015; provided, however, that the City is authorized to extend the period to incur indebtedness for 6.5 years beginning on January 1, 2015 for three properties located within the waterfront tax increment financing district at 49 Church Street and 75 Cherry Street, as designated on the City's Tax Parcel Maps as the following:

- (1) Parcel ID# 044-4-004-000;
- (2) Parcel ID# 044-4-004-001;
- (3) Parcel ID# 044-4-033-000.

* * *

~~(c) The extension of the period to incur indebtedness for the specific parcels in subdivision (a)(1)-(3) of this section is subject to the City of Burlington's submission to the Vermont Economic Progress Council of an executed construction contract with a completion guarantee by the owner of the parcels evidencing commitment to construct not less than \$50 million of private development on the parcels.~~

* * * Effective Dates * * *

Sec. 31. EFFECTIVE DATES

This act shall take effect on passage except:

(1) Notwithstanding 1 V.S.A. § 214, Sec. 8, 32 V.S.A. § 5870 (use tax reporting), shall take effect retroactively on January 1, 2020 and apply to taxable years beginning on and after January 1, 2020.

(2) Secs. 10a–10d (vendor-hosted prewritten computer software) shall take effect on January 1, 2021.

(3) Sec. 11 (universal service charge) shall take effect on July 1, 2021.

(4) Notwithstanding 1 V.S.A. § 214, Secs. 13–14 (annual link to federal statutes) shall take effect retroactively on January 1, 2020 and apply to taxable years beginning on and after January 1, 2019.

(5) Notwithstanding 1 V.S.A. § 214, Sec. 16 (TY 2016 refunds) shall take effect retroactively on April 15, 2020.

Amendment to be offered by Rep. Till of Jericho to H. 954

Representative Till of Jericho moves that the recommendation of the Committee on Ways and Means be further amended as follows:

First: After Sec. 9, 32 V.S.A. § 9701(9), by inserting new Secs. 9a–9b to read as follows:

Sec. 9a. 32 V.S.A. § 9706(mm) is added to read:

(mm) The statutory purpose of the exemption for feminine hygiene products in subdivision 9741(55) of this title is to limit the cost of goods that are necessary for the health and welfare of the people of Vermont.

Sec. 9b. 32 V.S.A. § 9741(55) is added to read:

(55) Feminine hygiene products. As used in this subdivision, “feminine hygiene products” means tampons, panty liners, menstrual cups, sanitary napkins, and other similar tangible personal property designed for feminine hygiene in connection with the human menstrual cycle, but does not include “grooming and hygiene products” as defined in this chapter.

Second: In Sec. 31, effective dates, by inserting a subdivision (6) to read as follows:

(6) Secs. 9a–9b, sales and use tax exemption, shall take effect on January 1, 2021.

Amendment to be offered by Rep. Scheuermann of Stowe to H. 954

Representative Scheuermann of Stowe moves to amend the recommendation of the Committee on Ways and Means as follows:

First: By striking Secs. 10a–10d, sales and use tax on prewritten software, in their entireties and inserting in lieu thereof:

Sec. 10a. [Deleted.]

Sec. 10b. [Deleted.]

Sec. 10c. [Deleted.]

Sec. 10d. [Deleted.]

Second: In Sec. 31, effective dates, by striking out subdivision (2) in its entirety and renumbering the remaining subdivisions to be numerically correct.

New Business

Third Reading

H. 99

An act relating to trade in covered animal parts or products

Amendment to be offered by Rep. Brennan of Colchester to H. 99

Representative Brennan of Colchester moves that the bill be amended in Sec. 1, 10 V.S.A. chapter 124, in section 5503, in subdivision (a)(3)(A), after the semi-colon, by striking the word “and” and inserting in lieu thereof the word “or”.

Favorable with Amendment

S. 27

An act relating to maintaining the home health agency provider tax

Rep. Till of Jericho, for the Committee on Ways and Means, 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:

Sec. 1. FY 2022 PROPERTY TAX RATES; COMMISSIONER’S

DECEMBER 1 LETTER; FY 2021 PROJECTED EDUCATION

FUND DEFICIT

(a) Findings and purpose. Vermont law under 32 V.S.A. § 5402b(a) requires the Commissioner of Taxes, not later than December 1, 2020, to calculate and recommend statewide education property tax rates for fiscal year 2022. In making that recommendation, the Commissioner must calculate tax rates at an amount sufficient to cover any projected fiscal year 2021 deficit and to maintain the stabilization reserve under 16 V.S.A. § 4026 at five percent. In

2020 Acts and Resolves No. 122, Sec. 2, however, the General Assembly expressed its intent to address any projected deficit in the Education Fund for fiscal year 2021 by using federal funds, applying reversions, drawing down the stabilization reserve, using other sources of revenue, reducing costs, borrowing, or using any other source of funding, including making appropriations from the General Fund or other funds. The actions outlined in Act 122 with respect to a projected fiscal year 2021 deficit in the Education Fund are intended to relieve school boards of the responsibility for responding to such projected fiscal year 2021 deficit through school budgeting decisions for fiscal year 2022. Given that the statutory requirements imposed on the Commissioner for tax rate recommendations would not reflect the General Assembly's express intent in Act 122, the Commissioner shall calculate and recommend statewide education property tax rates for fiscal year 2022 as established under this section.

(b) December 1 letter for fiscal year 2022. Notwithstanding any other provision of law, to the extent that the fiscal year 2022 consensus projections under 32 V.S.A. § 5402b include a deficit in the Education Fund for fiscal year 2021, when calculating and making recommendations for the fiscal year 2022 property dollar equivalent yield, income dollar equivalent yield, and nonhomestead property tax rate as required under 32 V.S.A. § 5402b(a), the Commissioner shall:

(1) disregard the projected deficit in the Education Fund for fiscal year 2021; and

(2) assume the stabilization reserve created under 16 V.S.A. § 4026 is maintained for fiscal year 2022 at the fiscal year 2021 amount published in the Education Fund Outlook on or before December 1, 2020 as required under 32 V.S.A. § 5402b(c).

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to the Commissioner of Taxes' December 1 property tax rate letter for fiscal year 2022"

(Committee vote: 10-0-1)

(For text see Senate Journal February 22, 2019)

Favorable with Amendment

S. 237

An act relating to promoting affordable housing

Rep. Stevens of Waterbury, for the Committee on General, Housing, and Military Affairs, 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:

* * * Municipal Zoning * * *

Sec. 1. 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.

* * *

(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to ~~an owner-occupied~~ a single-family dwelling on an owner-occupied lot. A bylaw may require a single-family dwelling with an accessory dwelling unit to be subject to the same review, dimensional, or other controls as required for a single-family dwelling without an accessory dwelling unit. An accessory dwelling unit means ~~an efficiency or one-bedroom apartment~~ a distinct unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

(i) The property has sufficient wastewater capacity.

(ii) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.

~~(iii) Applicable setback, coverage, and parking requirements specified in the bylaws are met.~~

(F) Nothing in subdivision (a)(1)(E) of this section shall be construed to prohibit:

(i) a bylaw that is less restrictive of accessory dwelling units; or

(ii) a bylaw that ~~requires conditional use review for one or more of the following that is involved in creation of an accessory dwelling unit:~~

~~(I) a new accessory structure;~~

~~(II) an increase in the height or floor area of the existing dwelling; or~~

~~(III) an increase in the dimensions of the parking areas regulates short-term rental units distinctly from residential rental units.~~

* * *

(2) Existing small lots. Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of any bylaw, including an interim bylaw, may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the new bylaw or interim bylaw.

(A) A municipality may prohibit development of a lot not served by and able to connect to municipal sewer and water service if either of the following applies:

- (i) the lot is less than one-eighth acre in area; or
- (ii) the lot has a width or depth dimension of less than 40 feet.

* * *

Sec. 2. 24 V.S.A. § 4414 is amended to read:

§ 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

* * *

(3) Conditional uses.

(A) In any district, certain uses may be allowed only by approval of the appropriate municipal panel, if general and specific standards to which each allowed use must conform are prescribed in the appropriate bylaws and if the appropriate municipal panel, under the procedures in subchapter 10 of this chapter, determines that the proposed use will conform to those standards. These general standards shall require that the proposed conditional use shall not result in an undue adverse effect on any of the following:

- (i) The capacity of existing or planned community facilities.
- (ii) The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- (iii) Traffic on roads and highways in the vicinity.
- (iv) Bylaws and ordinances then in effect.

(v) Utilization of renewable energy resources.

* * *

(E) A multiunit dwelling project consisting of four or fewer units located in a district allowing multiunit dwellings may not be denied solely due to an undue adverse effect on the character of the area affected.

* * *

Sec. 3. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

* * *

(29) To regulate by means of an ordinance or bylaw the operation of short-term rentals within the municipality, provided that the ordinance or bylaw does not adversely impact the availability of long-term rental housing. As used in this subdivision, “short-term rental” means a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

Sec. 4. 27 V.S.A. § 545 is added to read:

§ 545. COVENANTS, CONDITIONS, AND RESTRICTIONS OF
SUBSTANTIAL PUBLIC INTEREST

Deed restrictions, covenants, or similar binding agreements added after January 1, 2021 that prohibit or have the effect of prohibiting land development allowed under a municipality’s bylaws shall not be valid. This section shall not affect the enforceability of any property interest held in whole or in part by a qualified organization or State agency as defined in 10 V.S.A. § 6301a, including any restrictive easements, such as conservation easements and historic preservation rights and interests defined in 10 V.S.A. § 822. This section shall not affect the enforceability of any property interest that is restricted by a housing subsidy covenant as defined by section 610 of this title and held in whole or in part by an eligible applicant as defined in 10 V.S.A. § 303(4) or the Vermont Housing Finance Agency.

* * * Mobile Home Parks * * *

Sec. 5. MOBILE HOME PARK INFRASTRUCTURE

(a) The Department of Environmental Conservation shall:

(1) assist the Town of Brattleboro and the Tri-Park Cooperative in the implementation of the Tri-Park Master Plan and Deerfield River & Lower Connecticut River Tactical Basin Plan, including through restructuring or forgiveness of State Revolving Loans RF1-104 and RF3-163 and additional loans to the extent possible, to allow for improvements to drinking water, wastewater, and stormwater infrastructure needs;

(2) provide similar assistance to the extent possible to similarly situated mobile home parks that also have infrastructure needs; and

(3) identify statutory and programmatic changes necessary to assist in the implementation of the plans and to improve access and terms by mobile home parks to the Clean Water Revolving Loan Fund, Water Infrastructure Sponsorship Program and the Drinking Water State Revolving Fund.

(b) On or before January 15, 2021, the Department shall report on actions taken and recommendations for statutory or programmatic changes to the Senate Committees on Economic Development, Housing and General Affairs and on Institutions and to the House Committees on General, Housing, and Military Affairs, on Natural Resources, Fish, and Wildlife, and on Corrections and Institutions.

Sec. 6. 10 V.S.A. § 10 is amended to read:

§ 10. VERMONT STATE TREASURER; CREDIT FACILITY FOR LOCAL INVESTMENTS

(a) Notwithstanding any provision of 32 V.S.A. § 433(a) to the contrary, the Vermont State Treasurer shall have the authority to establish a credit facility of up to 10 percent of the State's average cash balance on terms acceptable to the Treasurer and consistent with prudent investment principles and guidelines pursuant to 32 V.S.A. § 433(b)-(c) and the Uniform Prudent Investor Act, 14A V.S.A. chapter 9.

(b) The amount authorized in subsection (a) of this section shall include all credit facilities authorized by the General Assembly and established by the Treasurer, and the renewal or replacement of those credit facilities. The Treasurer may use amounts available under this section to provide financing for infrastructure projects in Vermont mobile home parks and may modify the terms of such financing in his or her discretion as is necessary to promote the availability of mobile home park housing and to protect the interests of the State.

* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 9-2-0)

Recommendation by the Committee on Ways and Means to S. 237

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on General, Housing, and Military Affairs.

(Committee Vote: 8-1-2)

(For text see Senate Journal June 26, 2020)

NOTICE CALENDAR

Favorable with Amendment

S. 24

An act relating to naming the Courthouse located at 9 Merchants Row in Rutland

Rep. Shaw of Pittsford, for the Committee on Corrections and Institutions, 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:

**Sec. 1. DEPARTMENT OF CORRECTIONS; RACIAL EQUITY AND
BIAS; PLAN AND REPORT**

(a) Findings. The General Assembly finds that:

(1) the State's Department of Corrections is a department within the Agency of Human Services with the stated purpose in 28 V.S.A. § 1 of developing and administering a rehabilitative correctional program designed, in part, to "render treatment to offenders with the goal of achieving their successful return and participation as citizens of the State and community" and to "foster their human dignity."

(2) The Department of Corrections does not serve in a law enforcement capacity but does play an important role in implementing the quality of an individual's sentence and ability for a successful return to and participation in the community.

(3) The Department's role is to also provide security and ensure racial and social equity to employees and to persons under the custody of the Commissioner.

(b) Intent. It is the intent of the General Assembly:

(1) to address systemic racism and bias to achieve racial and social equity for employees of the Department of Corrections and persons under the custody of the Commissioner;

(2) to recruit, train, and retain a diverse and high-quality workforce in the Department; and

(3) to enhance a human services approach to the State correctional program that will require the Department of Corrections to undertake a thorough review and revision of its policies, administrative directives, and interim procedures and memos.

(c) Plan. The Commissioner of Corrections shall develop a strategy and long-term plan to address systemic racism, bias, and diversity and inclusion in the Department of Corrections.

(1) The scope of the plan shall address the Department's employment practices and supervision of persons under the custody of the Commissioner both in State facilities and in the community.

(2) The plan shall include a timeline and process for the following:

(A) evaluating Department hiring practices, training, supervision, professional development, and competency standards to inform the basis of performance evaluation and promotion of employees;

(B) identifying the resources and funding needed to complete the plan, including upgraded technology, consultant support, and required data; and

(C) identifying a list of stakeholders and a process for how the Department will engage with the Department's employees, the persons under the custody of the Commissioner, and the broader community.

(d) Report. On or before January 15, 2021, the Commissioner of Corrections shall submit a report on the strategy and long-term plan described in subsection (c) of this section, and the timeline for the implementation of the plan, to the House Committee on Corrections and Institutions and the Senate Committee on Judiciary.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to a report on racial equity and bias in the Department of Corrections"

(Committee vote: 8-0-3)

(For text see Senate Journal February 20, 2019)

Favorable with Amendment

S. 124

An act relating to miscellaneous law enforcement amendments

Representative Copeland Hanzas of Bradford, for the Committee on Government Operations, 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:

* * * Vermont Criminal Justice Council * * *

Sec. 1. 20 V.S.A. chapter 151 is redesignated to read:

CHAPTER 151. VERMONT CRIMINAL JUSTICE ~~TRAINING~~ COUNCIL

Sec. 2. VERMONT CRIMINAL JUSTICE COUNCIL; PURPOSE;

CONFORMING REVISIONS

(a) In order to fully reflect all of its powers and duties, which relate to training, certifying, and professionally regulating law enforcement officers, the Vermont Criminal Justice Training Council is renamed the Vermont Criminal Justice Council.

(b) When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Counsel shall replace “Vermont Criminal Justice Training Council” with “Vermont Criminal Justice Council,” provided that those revisions have no other effect on the meaning of the affected statutes.

Sec. 3. 20 V.S.A. § 2351 is amended to read:

§ 2351. CREATION AND PURPOSE OF COUNCIL

(a) In order to promote and protect the health, safety, and welfare of the public, it is in the public interest to provide for the creation of the Vermont Criminal Justice ~~Training~~ Council.

(b) The Council is created to:

(1) encourage and assist municipalities, counties, and governmental agencies of this State in their efforts to improve the quality of law enforcement and citizen protection by maintaining a uniform standard of ~~recruitment~~ basic training for law enforcement applicants and in-service training for law enforcement officers; and

(2) maintain statewide standards of law enforcement officer professional conduct by accepting and tracking complaints alleging officer unprofessional

conduct, adjudicating charges of unprofessional conduct, and imposing sanctions on the certification of an officer who the Council finds has committed unprofessional conduct.

(c) The Council shall offer and approve continuing programs of instruction in up-to-date methods of law enforcement and the administration of criminal justice.

(d) It is the responsibility of the Council to encourage the participation of local governmental units in the program and to aid in the establishment of adequate training facilities.

Sec. 4. 20 V.S.A. § 2352 is amended to read:

§ 2352. COUNCIL MEMBERSHIP

(a)(1) The Vermont Criminal Justice ~~Training~~ Council shall consist of:

(A) the Commissioners of Public Safety, of Corrections, of Motor Vehicles, ~~and of Fish and Wildlife, and of Mental Health;~~

(B) the Attorney General;

(C) the Executive Director of the Department of State's Attorneys and Sheriffs;

(D) the Executive Director of Racial Equity;

(E) a member of the Vermont Troopers' Association or its successor entity, elected by its membership;

~~(D)~~(F) a member of the Vermont Police Association, elected by its membership; ~~and~~

~~(E)~~(G) ~~five additional members appointed by the Governor.~~

~~(i) The Governor's appointees shall provide broad representation of all aspects of law enforcement and the public in Vermont on the Council.~~

~~(ii) The Governor shall solicit recommendations for appointment from the Vermont State's Attorneys Association, the Vermont State's Sheriffs Association, the Vermont Police Chiefs Association, and the Vermont Constables Association a member of the Chiefs of Police Association of Vermont, appointed by the President of the Association;~~

(H) a member of the Vermont Sheriffs' Association, appointed by the President of the Association;

(I) a law enforcement officer, appointed by the President of the Vermont State Employees Association;

(J) an employee of the Vermont League of Cities and Towns, appointed by the Executive Director of the League;

(K) an individual appointed by the Executive Director of the Center for Crime Victim Services;

(L) an individual appointed by the Executive Director of the Human Rights Commission;

(M) an individual appointed by the Executive Director of the Vermont Network Against Domestic and Sexual Violence; and

(N) seven public members, appointed by the Governor, who shall not be law enforcement officers or have a spouse, parent, child, or sibling who is a law enforcement officer, current legislators, or otherwise be employed in the criminal justice system.

(i) At least one of these members shall be a mental health crisis worker.

(ii) At least one of these members shall be an individual with a lived experience of a mental health condition or psychiatric disability.

(iii) At least two of these members shall be chosen from among persons nominated by the Vermont chapters of the NAACP, and each of these members shall represent a different Vermont NAACP chapter. In order to assist the Governor in making these appointments, each Vermont chapter of the NAACP shall nominate at least three individuals for these gubernatorial appointments.

(2) A member's term shall be three years.

(3) The Governor shall appoint the Chair of the Council from among the public members set forth in subdivision (a)(1)(N) of this section.

* * *

(c) The members of the Council shall be entitled to receive no per diem compensation for their services but shall be allowed their actual and necessary and reimbursement of expenses incurred in the performance of their duties as permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.

* * *

Sec. 5. TRANSITIONAL PROVISION TO ADDRESS NEW COUNCIL MEMBERSHIP

(a) Any existing member of the Vermont Criminal Justice Council who will serve on the Council under its new membership as set forth in Sec. 4 of this act

may serve the remainder of his or her term in effect immediately prior to the effective date of Sec. 4.

(b) The new membership of the Council shall be appointed on or before December 1, 2020.

Sec. 6. 20 V.S.A. § 2355 is amended to read:

§ 2355. COUNCIL POWERS AND DUTIES

(a) The Council shall adopt rules with respect to:

(1) the approval, or revocation thereof, of law enforcement officer training schools and off-site training programs, which shall include rules to identify and implement alternate routes to certification aside from the training provided at the Vermont Police Academy;

* * *

(b)(1) The Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The Council shall offer courses of instruction for law enforcement officers in different areas of the State and shall strive to offer nonovernight courses whenever possible.

(2) The Council may also offer the basic officer's course for ~~pre-service~~ preservice students and educational outreach courses for the public, including firearms safety and use of force.

* * *

Sec. 7. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

* * *

(b) The Council shall offer or approve basic training and annual in-service training for each of the following three levels of law enforcement officer certification in accordance with the scope of practice for each level, and shall determine by rule the scope of practice for each level in accordance with the provisions of this section:

(1) Level I certification.

* * *

(2) Level II certification.

* * *

(3) Level III certification.

* * *

(c)(1) All programs required by this section shall be approved by the Council.

(2) The Council shall structure its programs so that on and after July 1, 2021, a Level II certified officer may use portfolio experiential learning or College Level Examination Program (CLEP) testing in order to transition to Level III certification, without such an officer needing to restart the certification process.

(3) Completion of a program shall be established by a certificate to that effect signed by the Executive Director of the Council.

* * *

Sec. 8. COUNCIL; REPORT ON CHANGES IN TRAINING OPTIONS;
RULE ADOPTION DEADLINE

(a) Report. On or before January 15, 2021, the Executive Director of the Vermont Criminal Justice Council shall provide a verbal progress report to the Senate and House Committees on Government Operations regarding the Council's:

(1) plan to replace some of its overnight law enforcement training requirements at the Robert H. Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont (the Police Academy), including its 16-week residential basic training, with nonovernight training and training in other areas of the State, in accordance with 20 V.S.A. § 2355(b)(1) in Sec. 6 of this act, and shall specifically address any plans it has to offer training by remote means; and

(2) changes in the structure of its programs to enable a law enforcement officer to transition from Level II to Level III certification as required by 20 V.S.A. § 2358(c)(2) in Sec. 7 of this act.

(b) Rules. On or before July 1, 2023, the Council shall finally adopt the rules regarding alternate routes to certification required by 20 V.S.A. § 2355(a)(1) in Sec. 6 of this act, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

Sec. 9. 20 V.S.A. § 2359 is added to read:

§ 2359. COUNCIL SERVICES CONTINGENT ON AGENCY
COMPLIANCE

(a) On and after January 1, 2022, a law enforcement agency shall be prohibited from having its law enforcement applicants or officers trained by the Police Academy or from otherwise using the services of the Council if the agency is not in compliance with the requirements for collecting roadside stop data under section 2366 of this chapter, the requirement to report to the Office of Attorney General death or serious bodily injuries under 18 V.S.A. § 7257a(b), or the requirement to adopt, follow, or enforce any policy required under this chapter.

(b) The Council shall adopt procedures to enforce the requirements of this section, which may allow for waivers for agencies under a plan to obtain compliance with this section.

Sec. 10. 20 V.S.A. § 2361 is amended to read:

§ 2361. ADDITIONAL TRAINING

~~(a) Nothing in this chapter prohibits any State law enforcement agency, department, or office or any municipality or county of the State from providing additional training beyond basic training to its personnel where no certification is requested of or required by the Council or its Executive Director.~~

~~(b) The head of a State agency, department, or office, a municipality's chief of police, or a sheriff executive officer of a law enforcement agency may seek certification from the Council for any in-service training he or she, or his or her designee may provide to his or her employees law enforcement officers of his or her agency or of another agency, or both.~~

Sec. 11. 20 V.S.A. § 2362a is amended to read:

§ 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT

CURRENT OR FORMER AGENCY

~~(a)(1) Prior to hiring a law enforcement officer who is no longer employed at his or her last law enforcement agency, the executive officer of a potential hiring law enforcement agency shall:~~

~~(A) require that officer to execute a written waiver that explicitly authorizes the officer's:~~

~~(i) current law enforcement agency employer to disclose its analysis of the officer's performance at that agency, if the officer is still employed at that agency; or~~

(ii) last law enforcement agency employer to disclose the reason that officer is no longer employed by that agency, if the officer is not currently employed at an agency; and

(B) contact that former agency to determine that reason obtain that disclosure and provide to that agency a copy of that written waiver.

(2) An officer who refuses to execute the written waiver shall not be hired by the potential hiring agency.

(b)(1)(A) If that current or former agency is a law enforcement agency in this State, the executive officer of that current or former agency or designee shall disclose to the potential hiring agency in writing its analysis of the officer's performance at that agency or the reason the officer is no longer employed by the former agency, as applicable.

(B) The executive officer or designee shall send a copy of the disclosure to the officer at the same time he or she sends it to the potential hiring agency.

(2) Such a current or former agency shall be immune from liability for its disclosure described in subdivision (1) of this subsection, unless such disclosure would constitute intentional misrepresentation or gross negligence.

(c) A potential hiring agency that receives a disclosure under subsection (b) of this section shall keep the contents of that disclosure confidential.

(d) A collective bargaining agreement between a law enforcement agency and the exclusive representative or bargaining agent of the law enforcement officers employed by that agency shall not include a prohibition on the exchange of information between the employing agency and another agency about an officer's performance at the employing agency.

Sec. 12. LAW ENFORCEMENT AGENCY; DUTY TO DISCLOSE

(a) The requirement of a current law enforcement agency to disclose its analysis of its law enforcement officer's performance at the agency as set forth in 20 V.S.A. § 2362a(a) and (b) in Sec. 11 of this act shall not apply if there is a binding nondisclosure agreement prohibiting that disclosure that was executed prior to the effective date of that section.

(b) The provisions in Sec. 11, in 20 V.S.A. § 2362a(d), that prohibit a collective bargaining agreement from including a prohibition on the exchange of information between law enforcement agencies about the performance of a law enforcement officer shall not apply to any collective bargaining agreement that took effect prior to the effective date of that section, but shall apply upon the expiration or termination of such an agreement and shall apply to any

collective bargaining agreement that takes effect on or after the effective date of that section.

Sec. 13. 20 V.S.A. § 2368 is added to read:

§ 2368. STATEWIDE POLICY; REQUIRED USE OF BODY CAMERA

POLICY

(a)(1) On and after January 1, 2022, each law enforcement agency that authorizes its law enforcement officers to use body cameras shall adopt, follow, and enforce a model body camera policy established by the Council, and each law enforcement officer who uses a body camera shall comply with the provisions of that policy.

(2) Until the date set forth in subdivision (1) of this subsection, each law enforcement agency that authorizes its law enforcement officers to use body cameras shall adopt, follow, and enforce the Model Body Worn Camera (BWC) Policy established by the Law Enforcement Advisory Board pursuant to 2016 Acts and Resolves No. 163, and each law enforcement officer who uses a body camera shall comply with the provisions of that policy.

(b) The Council shall incorporate the provisions of this section into training it provides.

Sec. 14. 20 V.S.A. § 2369 is added to read:

§ 2369. PROHIBITION ON FACIAL RECOGNITION TECHNOLOGY

(a) A law enforcement officer shall not use facial recognition technology or information acquired through the use of facial recognition technology unless the use would be permitted with respect to drones under section 4622 of this title (law enforcement use of drones).

(b) As used in this section:

(1) “Facial recognition” means:

(A) the automated or semi-automated process that identifies or attempts to identify a person based on the characteristics of the person’s face, including identification of known or unknown persons or groups; or

(B) the automated or semiautomated process by which the characteristics of a person’s face are analyzed to determine the person’s sentiment, state of mind, or other propensities, including the person’s level of dangerousness.

(2) “Facial recognition technology” means any computer software or application that performs facial recognition.

Sec. 15. 20 V.S.A. chapter 151 (Vermont Criminal Justice Council), subchapter 2 is amended to read:

Subchapter 2. Unprofessional Conduct

* * *

§ 2403. LAW ENFORCEMENT AGENCIES; DUTY TO REPORT

(a)(1) The executive officer of a law enforcement agency or the chair of the agency's civilian review board shall report to the Council within 10 business days if any of the following occur in regard to a law enforcement officer of the agency:

(A) Category ~~(A)~~.

(i) There is a finding of probable cause by a court that the officer committed Category A conduct.

(ii) There is any decision or findings of fact or verdict regarding allegations that the officer committed Category A conduct, including a judicial decision and any appeal therefrom.

(B) Category B.

(i) The agency receives a credible complaint against the officer ~~that, if deemed credible by the executive officer of the agency as a result of a valid investigation,~~ alleges that the officer committed Category B conduct.

(ii) The agency receives or issues any of the following:

(I) a report or findings of a valid investigation finding that the officer committed Category B conduct; or

(II) any decision or findings, including findings of fact or verdict, regarding allegations that the officer committed Category B conduct, including a hearing officer decision, arbitration, administrative decision, or judicial decision, and any appeal therefrom.

(C) Termination. The agency terminates the officer for Category A or Category B conduct.

(D) Resignation. The officer resigns from the agency while under investigation for unprofessional conduct.

(2) As part of his or her report, the executive officer of the agency or the chair of the civilian review board shall provide to the Council a copy of any relevant documents associated with the report, including any findings, decision, and the agency's investigative report.

(b) The Council shall provide a copy of any report and the relevant documents provided with it to the Council Advisory Committee, which shall recommend any appropriate action to take in regard to a law enforcement officer who is the subject of that report.

(c) The Executive Director of the Council shall report to the Attorney General and the State's Attorney of jurisdiction any allegations that an officer committed Category A conduct.

* * *

Sec. 16. LAW ENFORCEMENT RECOMMENDATIONS

In order to further the goal of defining law enforcement officers as community guardians, the following entities shall report to the Senate and House Committees on Government Operations on or before January 15, 2021 on their progress in regard to the following topics, including any recommendations for legislative action, except that the Criminal Justice Council (Council) shall submit a verbal progress report to those Committees by that date and any recommendations for legislative action on or before March 15, 2021:

(1) Law enforcement officer qualifications.

(A) The Law Enforcement Advisory Board shall recommend universal standards for interviewing and hiring new law enforcement officers in order to recognize applicant qualities that are desirable and those that are not. The Board shall specifically recommend standards that should apply to officers in a supervisory role.

(B) The Council shall consult with the Human Rights Commission, the American Civil Liberties Union, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other relevant organizations and individuals in reviewing law enforcement applicants' current written, oral, and psychological examinations for cultural sensitivities and overall appropriateness.

(2) Law enforcement officer training.

(A) The Council, in consultation with the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel, the Human Rights Commission, the American Civil Liberties Union, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other relevant stakeholders, shall review the current requirements for basic and annual in-service training in order to determine whether appropriate training is provided

in the areas of cultural awareness, implicit bias, de-escalation, and recognition of and appropriately responding to individuals with a mental health condition or psychiatric disability, and whether that training is embedded into training on other policing policies such as traffic stops and searches.

(B) In consideration of its analysis in subdivision (A) of this subdivision (2), and in reviewing current training requirements and how that training is used in practice, the Council shall recommend any amendments to statutorily required training that may not be necessary for all officers.

(C) The Council, Law Enforcement Advisory Board, and Department of Public Safety shall consult with the Vermont League of Cities and Towns and other interested stakeholders to determine whether:

(i) the Council should be reestablished within a State agency or other oversight entity; and

(ii) there should be more flexibility in the residential and field training required of law enforcement applicants, including whether applicants should be able to satisfy some aspects of basic training through experiential learning.

(3) Models of civilian oversight. The Office of Attorney General shall consult with the Council, the Human Rights Commission, the Vermont League of Cities and Towns, the Vermont Law School Center for Justice Reform, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other interested parties to recommend one or more models of civilian oversight of law enforcement.

(4) Reporting allegations of law enforcement misconduct. The Office of Attorney General shall consult with the Council, the Human Rights Commission, the American Civil Liberties Union, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other interested parties in order to identify a central point for reporting allegations of law enforcement officer misconduct, which may be the Council or another entity, and how those allegations should be handled.

(5) Access to complaint information. The Council Advisory Committee shall consult with the Secretary of State, the Human Rights Commission, the American Civil Liberties Union, and other interested parties in reviewing public access to records related to allegations of law enforcement officer misconduct and substantiations of those allegations in order to recommend any changes to current practice.

(6) Body cameras.

(A) The Law Enforcement Advisory Board shall report any changes it deems necessary to the Model Body Worn Camera (BWC) Policy that it established pursuant to 2016 Acts and Resolves No. 163.

(B)(i) The Council shall recommend a model body camera policy for use by law enforcement agencies and officers.

(ii) After consulting with the Secretary of State, the Human Rights Commission, the American Civil Liberties Union, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other interested parties, the Council shall specifically recommend policies for responding to public records requests for body camera footage, including any recommended timelines to respond, how and what footage should be redacted, length of footage retention, and storage.

(C) The Department of Public Safety shall consult with the Council and the Law Enforcement Advisory Board to investigate the possibility of a statewide group purchasing contract for law enforcement body cameras and of central storage locations. If the Department recommends such a group, it shall detail its recommended structure and operation.

(7) Military equipment. After an opportunity for community involvement and feedback, the Council shall recommend a statewide policy on law enforcement officers' acquisition of military equipment.

* * * State Data Collection and Analysis * * *

Sec. 17. STATE OUTCOMES REPORT; GOVERNMENT

ACCOUNTABILITY COMMITTEE; POPULATION-LEVEL
INDICATORS DEMONSTRATING QUALITY OF LIFE FOR
VERMONTERS WHO ARE BLACK, INDIGENOUS, OR PEOPLE
OF COLOR

(a) On or before March 1, 2021, the Government Accountability Committee shall consult with the Executive Director of Racial Equity, the Social Equity Caucus, and the Chief Performance Officer and shall accept recommendations from other relevant entities in order to approve by that date population-level indicators that demonstrate the quality of life for Vermonters who are Black, Indigenous, or People of Color as those indicators relate to the population-level quality of life outcomes set forth in 3 V.S.A. § 2311(b).

(b) Once those indicators are approved by the Government Accountability Committee, the Chief Performance Officer shall report on those indicators in the State Outcomes Report set forth in 3 V.S.A. § 2311.

Sec. 18. 3 V.S.A. § 2311 is amended to read:

§ 2311. CHIEF PERFORMANCE OFFICER; ANNUAL STATE
OUTCOMES REPORT

(a) Report.

(1) Annually, on or before September 30, the Chief Performance Officer within the Agency of Administration shall submit to the General Assembly a State Outcomes Report demonstrating the State's progress in reaching the population-level outcomes for each area of Vermont's quality of life set forth in subsection (b) of this section by providing data for the population-level indicators that are approved pursuant to the process set forth in subsection (c) of this section.

(2) Vermont's population-level quality of life outcomes are intended to reflect the well-being of all Vermonters, and indicators reported to measure the extent to which outcomes are achieved are intended to represent the experience of all Vermonters, including and especially Vermonters who are members of marginalized groups.

(b) Vermont population-level quality of life outcomes.

(1) Vermont has a prosperous economy.

(2) Vermonters are healthy.

(3) Vermont's environment is clean and sustainable.

(4) Vermont is a safe place to live.

(5) Vermont's families are safe, nurturing, stable, and supported.

(6) Vermont's children and young people achieve their potential.

(7) Vermont's elders live with dignity and in settings they prefer.

(8) Vermonters with disabilities live with dignity and in settings they prefer.

(9) Vermont has open, effective, and inclusive government.

(10) Vermont's State infrastructure meets the needs of Vermonters, the economy, and the environment.

(c) Approving population-level indicators.

(1) Annually, on or before March 1, a standing committee of the General Assembly having jurisdiction over a population-level quality of life outcome set forth in subsection (b) of this section or the Chief Performance Officer may submit to the Government Accountability Committee a request that any population-level indicator related to that outcome be revised.

(2) If that request is approved by the Government Accountability Committee, the Chief Performance Officer shall revise and report on the population-level indicator in accordance with that approval and this section.

(d) The report set forth in this section shall not be subject to the limitation on the duration of agency reports set forth in 2 V.S.A. § 20(d).

Sec. 19. 3 V.S.A. § 2222 is amended to read:

§ 2222. POWERS AND DUTIES; BUDGET AND REPORT

* * *

(k) The Secretary of Administration or designee shall review all grants from an agency of the State to a ~~local~~ law enforcement agency or constable, and all such grants shall be subject to the approval of the Secretary or designee. The Secretary or designee shall approve the grant only if the law enforcement agency or constable has complied with the race data reporting requirements set forth in 20 V.S.A. § 2366(e) and the death or serious bodily injury reporting requirements set forth in 18 V.S.A. § 7257a(b) within six months prior to the Secretary's or designee's review.

Sec. 20. 20 V.S.A. § 2053 is amended to read:

§ 2053. COOPERATION WITH OTHER AGENCIES

(a) The ~~center~~ Center shall cooperate with other ~~state~~ State departments and agencies, municipal police departments, sheriffs, and other law enforcement officers in this ~~state~~ State and with federal and international law enforcement agencies to develop and carry on a uniform and complete ~~state~~ State, interstate, national, and international system of records of ~~criminal activities~~ commission of crimes and information.

(b)(1) All ~~state~~ State departments and agencies, municipal police departments, sheriffs, and other law enforcement officers shall cooperate with and assist the ~~center~~ Center in the establishment of a complete and uniform system of records relating to the commission of crimes, arrests, convictions, imprisonment, probation, parole, fingerprints, photographs, stolen property, and other matters relating to the identification and records of persons who have or who are alleged to have committed a crime, or who are missing persons, or who are fugitives from justice.

(2) In order to meet the requirements of subdivision (1) of this subsection, the Center, in consultation with the Vermont Crime Research Group, statewide racial justice groups, and statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, shall establish and provide training on a uniform list of definitions to be used in entering data into a law enforcement agency's system of records, and every law enforcement officer shall use those definitions when entering data into his or her agency's system.

* * * Law Enforcement Advisory Board * * *

Sec. 21. LEAB; REPEAL FOR RECODIFICATION

24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

Sec. 22. 20 V.S.A. § 1818 is added to read:

§ 1818. LAW ENFORCEMENT ADVISORY BOARD

(a) The Law Enforcement Advisory Board is created within the Department of Public Safety to advise the Commissioner of Public Safety, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies that exercise law enforcement responsibilities. The Board shall review any matter that affects more than one law enforcement agency. The Board shall comprise the following members:

(1) the Commissioner of Public Safety;

(2) the Director of the Vermont State Police;

(3) the Director of the Enforcement Division of the Department of Fish and Wildlife;

(4) the Director of the Enforcement and Safety Division of the Department of Motor Vehicles;

(5) the Chief of the Capitol Police Department;

(6) the Director of the Vermont Criminal Justice Services Division;

(7) a member of the Chiefs of Police Association of Vermont, appointed by the President of the Association;

(8) a member of the Vermont Sheriffs' Association, appointed by the President of the Association;

(9) a representative of the Vermont League of Cities and Towns, appointed by the Executive Director of the League;

(10) a member of the Vermont Police Association, appointed by the President of the Association;

- (11) the Attorney General or designee;
- (12) a State's Attorney appointed by the Executive Director of the Department of State's Attorneys and Sheriffs;
- (13) the U.S. Attorney or designee;
- (14) the Executive Director of the Vermont Criminal Justice Council;
- (15) the Defender General or designee;
- (16) one representative of the Vermont Troopers' Association or its successor entity, elected by its membership;
- (17) a member of the Vermont Constables Association, appointed by the President of the Association; and
- (18) a law enforcement officer, appointed by the President of the Vermont State Employees Association.

(b) The Board shall elect a chair and a vice chair, which positions shall rotate among the various member representatives. Each member shall serve a term of two years. The Board shall meet at the call of the Chair. A quorum shall consist of 10 members, and decisions of the Board shall require the approval of a majority of those members present and voting.

(c) The Board shall undertake an ongoing formal review process of law enforcement policies and practices with a goal of developing a comprehensive approach to providing the best services to Vermonters, given monies available. The Board shall also provide educational resources to Vermonters about public safety challenges in the State.

(d)(1) The Board shall meet not fewer than six times a year to develop policies and recommendations for law enforcement priority needs, including retirement benefits, recruitment of officers, training, homeland security issues, dispatching, and comprehensive drug enforcement.

(2) The Board shall present its findings and recommendations in brief summary form to the House and Senate Committees on Judiciary and on Government Operations annually on or before January 15.

Sec. 23. LEAB; RECODIFICATION DIRECTIVE

(a) 24 V.S.A. § 1939 is recodified as 20 V.S.A. § 1818. During statutory revision, the Office of Legislative Counsel shall revise accordingly any references to 24 V.S.A. § 1939 in the Vermont Statutes Annotated.

(b) Any references in session law and adopted rules to 24 V.S.A. § 1939 as previously codified shall be deemed to refer to 20 V.S.A. § 1818.

Sec. 24. LEAB; 2021 REPORT ON MUNICIPAL ACCESS TO LAW
ENFORCEMENT SERVICES

As part of its annual report in the year 2021, the Law Enforcement Advisory Board shall specifically recommend ways that towns can increase access to law enforcement services.

* * * Department of Public Safety; Dispatch * * *

Sec. 25. 20 V.S.A. chapter 113 (Commissioner and Members), subchapter 1 is amended to read:

Subchapter 1. General Provisions

§ 1871. DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER

(a) ~~The department of public safety~~ Department of Public Safety, created by 3 V.S.A. § 212, shall include ~~a commissioner of public safety~~ Commissioner of Public Safety.

(b) The head of the ~~department~~ Department shall be ~~a commissioner of public safety~~ the Commissioner of Public Safety, who shall be a citizen of the United States and shall be selected on the basis of training, experience and qualifications. The ~~commissioner~~ Commissioner shall be appointed by the ~~governor~~ Governor, with the advice and consent of the ~~senate~~, for a term of six years Senate.

* * *

(i) ~~The commissioner of public safety~~ Commissioner of Public Safety may enter into contractual arrangements to perform dispatching functions for ~~state~~ State, municipal, or other emergency services, ~~establishing charges sufficient to recover the costs of dispatching.~~ Dispatch positions which are fully funded under such contracts may be authorized under the provisions of 32 V.S.A. § 5(b).

(j) Charges collected under subsections (e), (f), and (i) of this section shall be credited to the ~~Vermont law telecommunications special fund~~ Law Telecommunications Special Fund and shall be available to the ~~department~~ Department to offset the costs of providing the services.

* * *

§ 1873. REMOVAL OF COMMISSIONER

~~During his or her term of office, the governor may remove the commissioner upon charges preferred in writing and after hearing, which shall~~

be a public hearing if the commissioner requests the same, upon the following grounds:

(1) ~~Incompetency amounting to failure to perform his or her official duties competently;~~

(2) ~~Misconduct in office which shall be construed to include:~~

(a) ~~failure to be of good behavior;~~

(b) ~~participation, directly or indirectly, in a political campaign, rally, caucus or other political gathering, other than to vote. [Repealed.]~~

* * *

§ 1875. RADIO COMMUNICATION SYSTEM

(a) The ~~commissioner~~ Commissioner shall establish a communication system as will best enable the ~~department~~ Department to carry out the purposes of this chapter. This shall include a radio set furnished, on written request, to the sheriff and ~~state's attorney~~ State's Attorney of each county on a memorandum receipt.

(b)(1) The ~~commissioner~~ Commissioner may charge to all users of telecommunications services managed, maintained, or operated by the ~~department~~ Department for the benefit of the users a proportionate share of the actual cost of providing the services and products inclusive of administrative costs.

(2) Such charges shall be based on a pro rata allocation of the actual costs of services or products, determined in an equitable manner, which shall be representative of services provided to or system usage by individual units of government, including ~~state~~ State, local, and federal agencies or private nonprofit entities.

(3) Such charges shall be credited to the Vermont ~~communication system special fund~~ Law Telecommunications Special Fund and shall be available to the ~~department~~ Department to offset the costs of providing the services.

* * *

Sec. 26. DEPARTMENT OF PUBLIC SAFETY; PROHIBITION ON NEW CHARGES TO PERFORM DISPATCH FUNCTIONS UNTIL FEE STRUCTURE ENACTED; RECOMMENDATIONS

(a) In accordance with the amendments to 20 V.S.A. § 1871(i) set forth in Sec. 25 of this act, the Department of Public Safety shall not charge fees in

any contractual arrangements it enters into to perform dispatching functions for State, municipal, or other emergency services until the General Assembly establishes in law a dispatch fee structure for those charges.

(b)(1) On or before March 15, 2021, the Department of Public Safety shall hold at least three public hearings and consult with the Vermont League of Cities and Towns, the Emergency Medical Advisory Committee, the Vermont Police Chiefs Association, the Vermont State Firefighters Association, and local emergency medical services, police, and fire agencies in order to report by that date to the House Committees on Government Operations and on Ways and Means and the Senate Committees on Government Operations and on Finance the Department’s recommendations for an equitable dispatch fee structure for the Department to charge for dispatching emergency medical service, police, and fire services, and potential funding mechanisms for those charges that do not rely on property taxes.

(2) If the Department decides to overrule substantial arguments and considerations raised against the equitable dispatch fee structure or potential funding mechanisms it ultimately recommends, the Department shall include in its report a description of those arguments and considerations and the reasons for the Department’s decision.

* * * Emergency Medical Services * * *

Sec. 27. 24 V.S.A. chapter 71 is amended to read:

CHAPTER 71. AMBULANCE SERVICES

Subchapter 1. Emergency Medical Services Districts

§ 2651. DEFINITIONS

As used in this chapter:

* * *

(14) ~~“State Board” means the State Board of Health. [Repealed.]~~

* * *

§ 2652. CREATION OF DISTRICTS

The ~~State Board~~ Department of Health may divide the State into emergency medical services districts, the number, size, and boundaries of which shall be determined by the ~~Board~~ Department in the interest of affording adequate and efficient emergency medical services throughout the State.

* * *

§ 2654. RECORDING DETERMINATION OF DISTRICTS

The ~~State Board~~ Department of Health shall cause to be recorded in the office of the Secretary of State a certificate containing its determination of emergency medical services districts.

* * *

§ 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS

(a) The board of directors shall have full power to manage, control, and supervise the conduct of the district and to exercise in the name of the district all powers and functions belonging to the district, subject to such laws or regulations rules as may be applicable.

* * *

§ 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL SERVICES DISTRICTS

(a) It shall be the function of each emergency medical services district to foster and coordinate emergency medical services within the district, in the interest of affording adequate ambulance services within the district. Each emergency medical services district shall have powers that include the power to:

* * *

(6) monitor the provision of emergency medical services within the district and make recommendations to the ~~State Board~~ Department of Health regarding licensure, relicensure, and removal or suspension of licensure for ambulance vehicles, ambulance services, and first responder services;

* * *

(b) Two or more contiguous emergency medical services districts by a majority vote of the district board in each of the districts concerned may change the mutual boundaries of their emergency medical services districts. The district boards shall report all changes in district boundaries to the ~~State Board~~ Department of Health.

* * *

Subchapter 2. Licensing Operation of Affiliated Agencies

§ 2681. LICENSE REQUIRED; AMBULANCE LICENSE REQUIREMENT

(a) A person furnishing ambulance services or first responder services shall obtain a license to furnish services under this subchapter.

(b)(1) In order to obtain and maintain a license, an ambulance service shall be required to provide its services in a manner that does not discriminate on the basis of income, funding source, or severity of health needs, in order to ensure access to ambulance services within the licensee's service area.

(2) The Department of Health shall adopt rules in accordance with the provisions of subdivision (1) of this subsection.

§ 2682. ~~POWERS OF STATE BOARD~~ THE DEPARTMENT OF HEALTH

(a) ~~The State Board~~ Department of Health shall administer this subchapter and shall have power to:

* * *

§ 2683. TERM OF LICENSE

Full licenses shall be issued on forms to be prescribed by the ~~State Board~~ Department of Health for a period of three years beginning on January 1, or for the balance of any such three-year period. Temporary, conditional, or provisional licenses may also be issued by the ~~Board~~ Department.

* * *

Sec. 28. 18 V.S.A. § 9405 is amended to read:

§ 9405. STATE HEALTH IMPROVEMENT PLAN; HEALTH RESOURCE
ALLOCATION PLAN

* * *

(b) The Green Mountain Care Board, in consultation with the Secretary of Human Services or designee, shall publish on its website the Health Resource Allocation Plan identifying Vermont's critical health needs, goods, services, and resources, which shall be used to inform the Board's regulatory processes, cost containment and statewide quality of care efforts, health care payment and delivery system reform initiatives, and any allocation of health resources within the State. The Plan shall identify Vermont residents' needs for health care services, programs, and facilities; the resources available and the additional resources that would be required to realistically meet those needs and to make access to those services, programs, and facilities affordable for consumers; and the priorities for addressing those needs on a statewide basis. The Board may expand the Plan to include resources, needs, and priorities related to the social determinants of health. The Plan shall be revised periodically, but not less frequently than once every four years.

(1) In developing the Plan, the Board shall:

(A) consider the principles in section 9371 of this title, as well as the purposes enumerated in sections 9401 and 9431 of this title;

(B) identify priorities using information from:

(i) the State Health Improvement Plan;

(ii) emergency medical services resources and needs identified by the EMS Advisory Committee in accordance with subsection 909(f) of this title;

(iii) the community health needs assessments required by section 9405a of this title;

~~(iii)~~(iv) available health care workforce information;

~~(iv)~~(v) materials provided to the Board through its other regulatory processes, including hospital budget review, oversight of accountable care organizations, issuance and denial of certificates of need, and health insurance rate review; and

~~(v)~~(vi) the public input process set forth in this section;

(C) use existing data sources to identify and analyze the gaps between the supply of health resources and the health needs of Vermont residents and to identify utilization trends to determine areas of underutilization and overutilization; and

(D) consider the cost impacts of fulfilling any gaps between the supply of health resources and the health needs of Vermont residents.

* * *

Sec. 29. 18 V.S.A. chapter 17 is amended to read:

CHAPTER 17. EMERGENCY MEDICAL SERVICES

* * *

§ 903. AUTHORIZATION FOR PROVISION OF EMERGENCY MEDICAL SERVICES

Notwithstanding any other provision of law, including provisions of 26 V.S.A. chapter 23, persons who are affiliated with an affiliated agency and licensed to provide emergency medical treatment pursuant to the requirements of this chapter and the rules adopted under it are hereby authorized to provide such care without further certification, registration, or licensing.

* * *

§ 904. ADMINISTRATIVE PROVISIONS

(a) In order to carry out the purposes and responsibilities of this chapter, the Department of Health may contract for the provision of specific services.

(b) The Secretary of Human Services, upon the recommendation of the Commissioner of Health, may ~~issue~~ adopt rules to carry out the purposes and responsibilities of this chapter.

* * *

§ 906. EMERGENCY MEDICAL SERVICES DIVISION;
RESPONSIBILITIES

To implement the policy of section 901 of this chapter, the Department of Health shall be responsible for:

(1) Developing and implementing minimum standards for training emergency medical personnel in basic life support and advanced life support, and licensing emergency medical personnel according to their level of training and competence. The Department shall establish by rule at least three levels of emergency medical personnel instructors and the education required for each level.

* * *

(7) Assisting hospitals in the development of programs ~~which~~ that will improve the quality of in-hospital services for persons requiring emergency medical ~~care~~ treatment.

* * *

(9) Establishing requirements for the collection of data by emergency medical personnel and hospitals as may be necessary to evaluate emergency medical ~~care~~ treatment.

(10) Establishing, by rule, license levels for emergency medical personnel. The Commissioner shall use the guidelines established by the National Highway Traffic Safety Administration (NHTSA) in the U.S. Department of Transportation as a standard or other comparable standards, except that a felony conviction shall not necessarily disqualify an applicant. The rules shall also provide that:

* * *

(B) An individual licensed by the Commissioner as an emergency medical technician, advanced emergency medical technician, or a paramedic, who is affiliated with an affiliated agency, shall be able to practice fully within the scope of practice for such level of licensure as defined by NHTSA's National EMS Scope of Practice Model consistent with the license level of the

affiliated agency, and subject to the medical direction of the emergency medical services district medical advisor.

(C)(i) Unless otherwise provided under this section, an individual seeking any level of licensure shall be required to pass an examination approved by the Commissioner for that level of licensure, except that any psychomotor skills testing for emergency medical responder, or emergency medical technician licensure shall be accomplished either by the demonstration of those skills competencies as part of the education required for that license level as approved by the Department or by the National Registry of Emergency Medical Technicians' psychomotor examination.

(ii) Written and practical examinations shall not be required for relicensure; however, to maintain licensure, all individuals shall complete a specified number of hours of continuing education as established by rule by the Commissioner. The Commissioner shall ensure that continuing education classes are available online and provided on a regional basis to accommodate the needs of volunteers and part-time individuals, including those in rural areas of the State.

* * *

(E) An applicant who has served as a hospital corpsman or a medic in the U.S. Armed Forces, or who is licensed as a registered nurse or a physician assistant shall be granted a permanent waiver of the training requirements to become a licensed emergency medical technician, an advanced emergency medical technician, or a paramedic, provided the applicant passes the applicable examination approved by the Commissioner for that level of licensure and is affiliated with an affiliated agency.

(F) An applicant who is registered on the National Registry of Emergency Medical Technicians as an emergency medical technician, an advanced emergency medical technician, or a paramedic shall be granted licensure as a Vermont emergency medical technician, an advanced emergency medical technician, or a paramedic without the need for further testing, provided he or she is affiliated with an affiliated agency or is serving as a medic with the Vermont National Guard.

* * *

(11) In addition to the licenses established under subdivision (10) of this section, the Department shall establish by rule an entry-level certification for Vermont EMS first responders.

* * *

§ 906b. TRANSITIONAL PROVISION; CERTIFICATION TO

LICENSURE

~~Every person certified as an emergency medical provider shall have his or her certification converted to the comparable level of licensure. Until such time as the Department of Health issues licenses in lieu of certificates, each certified emergency medical provider shall have the right to practice in accordance with his or her level of certification. [Repealed.]~~

* * *

§ 906d. RENEWAL REQUIREMENTS; SUNSET REVIEW

(a) Not less than once every five years, the Department shall review emergency medical personnel continuing education and other continuing competency requirements. The review results shall be in writing and address the following:

(1) the renewal requirements of the profession;

(2) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(3) the cost of the renewal requirements for emergency medical personnel; and

(4) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection.

(b) The Department shall amend its rules or propose any necessary statutory amendments to revise any emergency medical personnel continuing education and other continuing competency requirements that are not necessary for the protection of the public health, safety, or welfare.

* * *

§ 909. EMS ADVISORY COMMITTEE; EMS EDUCATION COUNCIL

(a) The Commissioner shall establish the Emergency Medical Services Advisory Committee to advise on matters relating to the delivery of emergency medical services (EMS) in Vermont.

* * *

(e) Annually, on or before January 1, the Committee shall report on the EMS system to the House Committees on Government Operations, on Commerce and Economic Development, and on Human Services and to the Senate Committees on Government Operations, on Economic Development, Housing and General Affairs, and on Health and Welfare. The Committee's reports shall include information on the following:

* * *

(6) the nature and costs of dispatch services for EMS providers throughout the State, including the annual number of mutual aid calls to an emergency medical service area that come from outside that area, and suggestions for improvement;

* * *

(f) In addition to its report set forth in subsection (e) of this section, the Committee shall identify EMS resources and needs in each EMS district and provide that information to the Green Mountain Care Board to inform the Board's periodic revisions to the Health Resource Allocation Plan developed pursuant to subsection 9405(b) of this title.

(g) The Committee shall establish from among its members the EMS Education Council, which may:

(1) sponsor training and education programs required for emergency medical personnel licensure in accordance with the Department of Health's required standards for that training and education; and

(2) provide advice to the Department of Health regarding the standards for emergency medical personnel licensure and any recommendations for changes to those standards.

Sec. 30. 32 V.S.A. § 8557 is amended to read:

§ 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

(a)(1) Sums for the expenses of the operation of training facilities and curriculum of the Vermont Fire Service Training Council not to exceed \$1,200,000.00 per year shall be paid to the Fire Safety Special Fund created by 20 V.S.A. § 3157 by insurance companies, writing fire, homeowners multiple peril, allied lines, farm owners multiple peril, commercial multiple peril (fire and allied lines), private passenger and commercial auto, and inland marine policies on property and persons situated within the State of Vermont within 30 days after notice from the Commissioner of Financial Regulation of such estimated expenses. Captive companies shall be excluded from the effect of this section.

* * *

(4) An amount not less than \$150,000.00 shall be specifically allocated to the Emergency Medical Services Special Fund established under 18 V.S.A. § 908 for the provision of training programs for certified Vermont EMS first responders and licensed emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics.

* * *

Sec. 31. TRANSITIONAL EMS PROVISIONS

(a) Rules. Except as otherwise provided in this act, on or before July 1, 2021, the Department of Health shall finally adopt or amend the rules required by this act, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

(b) Ambulance service licenses. The requirements for initial ambulance service licensure and renewal set forth in 24 V.S.A. § 2681(b) in Sec. 27 of this act shall apply to initial ambulance service license and renewal applicants on and after July 1, 2021 or on and after the effective date of the Department of Health rules adopted pursuant to that section and subsection (a) of this section, whichever date is later.

(c) Existing EMS Instructor/Coordinator licensees. Any person who is licensed as an EMS Instructor/Coordinator under the Department of Health's Emergency Medical Service Rules in effect immediately prior to the effective date of the rules establishing the new levels of instructor licenses as required by 18 V.S.A. § 906(1) in Sec. 29 of this act shall be deemed to be licensed at the level that is consistent with the scope of practice of the new license levels.

(d) Development of Vermont EMS First Responder certification. The Department of Health shall consult with the EMS Advisory Committee, the University of Vermont's Initiative for Rural Emergency Medical Services, and any other relevant stakeholders in developing the new Vermont EMS First Responder certification required by 18 V.S.A. § 906(11) in Sec. 29 of this act so that certification is established on or before July 1, 2021.

(e) Sunset review of renewal requirements. Pursuant to 18 V.S.A. § 906d (renewal requirements; sunset review) set forth in Sec. 29 this act, the Department of Health shall conduct its first sunset review in conjunction with its rulemaking required by this act and thereafter propose any necessary statutory amendments in accordance with that section.

* * * Public Safety Planning * * *

Sec. 32. REGIONAL PLANNING COMMISSIONS; INVENTORY OF MUNICIPAL PUBLIC SAFETY RESOURCES

(a) The purpose of this section is to require each regional planning commission to create one inventory identifying the public safety resources of each town within its jurisdiction and to report that inventory to all of its towns so that each town can better understand the public safety resources that are available to them and how those resources may be shared on a regional basis.

(b) On or before July 1, 2022, each regional planning commission shall create and report to all of the towns within its jurisdiction one inventory identifying all of the public safety resources that each town within its jurisdiction relies upon for its public safety needs. As part of this inventory, the inventory shall identify:

(1) any mutual aid agreements for public safety resources that its towns may have; and

(2) any of its towns that have a public safety plan.

(c) As used in this section, “public safety resources” means the law enforcement, fire, emergency medical service, and dispatch entities that provide their services to a town.

* * * Effective Dates * * *

Sec. 33. EFFECTIVE DATES

This act shall take effect on October 1, 2020, except that:

(1) Sec. 4, 20 V.S.A. § 2352 (Council membership) shall take effect on December 1, 2020; and

(2) Sec. 19, 3 V.S.A. § 2222 (powers and duties; budget and report) shall take effect on January 1, 2021.

(Committee vote: 8-3-0)

(For text see Senate Journal June 24, 2020)

Favorable with Amendment

S. 352

An act relating to making certain amendments to the Front-Line Employees Hazard Pay Grant Program

Rep. Kimbell of Woodstock, for the Committee on Commerce and Economic Development, recommends the bill ought to pass.

(Committee Vote: 11-0 -0)

(For text see Senate Journal September 8, 2020)

Rep. Pugh of South Burlington, for the Committee on Human Services, recommends that the House propose to the Senate that the bill be amended as follows:

The Committee on Human Services to which was referred Senate Bill No. 352 entitled “An act relating to making certain amendments to the Front-Line Employees Hazard Pay Grant Program” respectfully reports that it has

considered the same and recommends that the House propose to the Senate that the bill be amended as follows:

First: In Sec. 3, 2020 Acts and Resolves No. 136, Sec. 14, by striking out subdivision (a)(1)(B) in its entirety and inserting in lieu thereof the following:

(B) a prospective workforce stabilization program for staff employed at family child care homes and center-based child care and preschool programs regulated by the Department for Children and Families for risks associated with elevated exposure to COVID-19;

Second: In Sec. 3, 2020 Acts and Resolves No. 136, Sec. 14, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

~~(b) Once the Department has determined how the appropriation set forth in this section shall be distributed, but not later than August 18, 2020, it shall report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare regarding how the funds are to be distributed across programs~~ Appropriations made pursuant to subdivision (a)(1)(B) of this section shall not occur until all allowable expenses for the purposes set forth in subdivisions (a)(1)(A), (C), and (D) of this section are allocated.

(Committee vote: 9-0-2)

Amendment to be offered by the Committee on Appropriations to S. 352

Rep. Myers of Essex, for the Committee on Appropriations, recommends that the House propose to the Senate that the bill be further amended in Sec. 3, 2020 Acts and Resolves No. 136, Sec. 14, by striking out subdivision (a)(1)(B) in its entirety and inserting in lieu thereof the following:

(B) a prospective workforce stabilization program for staff employed at Department-regulated family child care homes, center-based child care and preschool programs, and afterschool programs that are not otherwise serving as school-age child care hubs for risks associated with elevated exposure to COVID-19;

(Committee Vote: 11-0) Amendment to be offered by Reps. Kimbell of Woodstock, Marcotte of Coventry, Bancroft of Westford, Bock of Chester, Carroll of Bennington, Dickinson of St. Albans Town, Jerome of Brandon, Morris of Springfield, O'Sullivan of Burlington, Ralph Watson of Hartland, and Toleno of Brattleboro to S. 352

Representatives Kimbell of Woodstock, Marcotte of Coventry, Bancroft of

Westford, Bock of Chester, Carroll of Bennington, Dickinson of St. Albans Town, Jerome of Brandon, Morris of Springfield, O'Sullivan of Burlington, Ralph Watson of Hartland, and Toleno of Brattleboro move that the House propose to the Senate that the bill be amended as follows:

First: In Sec. 1, 2020 Act and Resolves No. 136, Sec. 6, in subdivision (b)(2)(A), by striking out subdivisions (xiv) and (xv) and inserting in lieu thereof subdivisions (xiv) through (xvi) to read as follows:

(xiv) a traveling nurse agency or other business whose employees provide temporary or contract nursing services to or on behalf of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided nursing services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) during the eligible period;

(xv) a cleaning or janitorial service that provides cleaning or janitorial services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) in locations that are open to the general public or regularly used by the residents or patients of that covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided cleaning or janitorial services to another covered employer during the eligible period; or

(xvi) a food service provider that prepares and provides meals for residents or patients of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided food services to the residents or patients of a covered employer during the eligible period.

Second: In Sec. 1, 2020 Acts and Resolves No. 136, Sec. 6, by striking out subdivision (b)(4)(A)(iv) in its entirety and inserting in lieu thereof a new subdivision (b)(4)(A)(iv) to read as follows:

(iv) ~~earns~~ except in the case of employees of home health agencies and nursing homes, or employees of an employer described in subdivision (2)(A)(xiv) of this subsection (b) that provides nursing services to or on behalf of a home health agency or nursing home, earned an hourly base wage of \$25.00 or less during the eligible period;

Third: In Sec. 1, 2020 Acts and Resolves No. 136, Sec. 6, by striking out subdivision (c)(3) in its entirety and inserting in lieu thereof a new subdivision (c)(3) to read as follows:

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

Fourth: In Sec. 1, 2020 Acts and Resolves No. 136, Sec. 6, in subdivision (c)(7), in the first sentence, by striking out the word “may” and inserting in lieu thereof the word “shall”

Fifth: In Sec. 1, 2020 Acts and Resolves No. 136, Sec. 6, by striking out subdivision (j)(1)(B) and inserting in lieu thereof a new subdivision (j)(1)(B) to read as follows:

(B) The notice sent to each potentially eligible employee pursuant to this subdivision (1) shall inform the individual that he or she is not required to apply for a grant.

Sixth: In Sec. 2, hazard pay; identification of former employees, in the first sentence, following the words “shall send notice to the covered employer” by striking out the words “that it may identify” and inserting in lieu thereof the words “requesting that it identify”

Favorable with Amendment

S. 353

An act relating to expanding the Front-Line Employees Hazard Pay Grant Program

Rep. Jerome of Brandon, for the Committee on Commerce and Economic Development, recommends that the House propose to the Senate that the bill be amended as follows:

First: By striking out Sec. 1, 2020 Acts and Resolves No. 136, Sec. 6, and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 2020 Acts and Resolves No. 136, Sec. 6 is amended to read:

Sec. 6. FRONT-LINE EMPLOYEES HAZARD PAY GRANT

PROGRAM

(a)(1) There is established in the Agency of Human Services the Front-Line Employees Hazard Pay Grant Program to administer and award grants to certain ~~public safety, public health, health care, and human services~~ employers whose employees were engaged in activities substantially dedicated to mitigating or responding to the COVID-19 public health emergency during the eligible period or were providing essential services to Vermonters.

* * *

(b) As used in this section:

(1) “Agency” means the Agency of Human Services.

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

* * *

(xv) a cleaning or janitorial service that provides cleaning or janitorial services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) in locations that are open to the general public or regularly used by the residents or patients of that covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided cleaning or janitorial services to another covered employer during the eligible period; or

(xvi) a food service provider that prepares and provides meals for residents or patients of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided food services to the residents or patients of a covered employer during the eligible period;

(xvii) a grocery store;

(xviii) a pharmacy;

(xix) a retailer identified as essential in Sec. 6, paragraphs f and h of Addendum 6 to Executive Order 01-20, provided that, during the eligible period, the retail establishment was open to the general public for in-person sales;

(xx) a wholesale distributor making deliveries to a retailer described in subdivisions (xvii)–(xix) of this subdivision (b)(2)(A);

(xxi) a trash collection, waste management, or septic service;

(xxii) an operator of a privately owned water pollution abatement and control facility, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who performed work in the water pollution abatement and control facility;

(xxiii) a child care facility as defined in 33 V.S.A. § 3511 that provided child care services to essential service providers pursuant to Directive 2 of Executive Order 01-20;

(xxiv) a vocational rehabilitation service provider;

(xxv) a funeral establishment or crematory establishment as defined in 26 V.S.A. § 1211; or

(xxvi) an agency licensed pursuant to 26 V.S.A. § 3172 that provides security services, as defined in 26 V.S.A. § 3151, to another covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided security services to another covered employer during the eligible period.

* * *

~~(i)(1) The definition of “covered employer” set forth in subdivision (b)(2) of this section shall be deemed to include to the types of employers listed in subdivision (b)(2) of this subsection to the extent permitted by federal law and any applicable guidance if either of the following occurs:~~

~~(A) the permissible uses of monies in the Coronavirus Relief Fund pursuant to Sec. 5001 of the CARES Act, Pub. L. No. 116-136, as amended, and any related guidance are expanded to permit the payment of hazard pay to employees of some or all of the types of employers listed in subdivision (2) of this subsection (i); or~~

~~(B) a federal program that grants money directly to the State, which may be used to provide hazard pay to employees of some or all of the types of employers listed in subdivision (2) of this subsection (i), is enacted.~~

~~(2) The following types of employers may be deemed to be included within the definition of “covered employer” set forth in subdivision (b)(2) of this section if the requirements of subdivision (1) of this subsection are met:~~

~~(A) a grocery store;~~

~~(B) a pharmacy;~~

~~(C) a retailer identified as essential in Sec. 6, paragraphs f and h of addendum 6 to Executive Order 01-20, provided that, during the eligible period, the majority of the retail establishment was open to the general public for in-person sales rather than curbside pickup or delivery;~~

~~(D) a wholesale distributor making deliveries to a retailer described in subdivisions (A)–(C) of this subdivision (i)(2);~~

~~(E) a trash collection or waste management service;~~

~~(F) a janitorial service that provides cleaning or janitorial services to another covered employer;~~

~~(G) a child care facility as defined in 33 V.S.A. § 3511 that is providing child care services to essential service providers pursuant to~~

Directive 2 of Executive Order 01-20;

~~(H) a vocational rehabilitation service provider; or~~

~~(I) a funeral establishment or crematory establishment as defined in 26 V.S.A. § 1211.~~

Second: In Sec. 2, appropriation, by striking out “\$19,500,000.00” and inserting in lieu thereof “\$12,500,000.00”

(Committee vote: 11-0)

(For text see Senate Journal September 4, 2020)

Amendment to be offered by the Committee on Appropriations to S. 353

Rep. Myers of Essex, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development and when further amended as follows:

That the report of the Committee on Commerce and Economic Development be amended by striking out the second instance of amendment.

(Committee Vote: 11-0)

Amendment to be offered by Rep. Marcotte of Coventry, Bancroft of Westford, Bock of Chester, Carroll of Bennington, Dickinson of St. Albans Town, Kimbell of Woodstock, Jerome of Brandon, Morris of Springfield, O’Sullivan of Burlington, Ralph Watson of Hartland, and Toleno of Brattleboro to S. 353

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

First: In Sec. 1, 2020 Acts and Resolves No. 136, Sec. 6, in subsection (b), after subdivision (2)(A)(xxiv), by inserting the following:

* * *

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

* * *

~~(C) “Eligible employee” does not include an individual who has received unemployment insurance benefits for any week during the eligible period.~~

Second: By striking out Sec. 4, effective date, in its entirety and inserting in lieu thereof Secs. 4 through 10 to read as follows:

Sec. 4. 21 V.S.A. § 1347 is amended to read:

§ 1347. NONDISCLOSURE OR MISREPRESENTATION

* * *

(e)(1) In addition to the foregoing, when ~~it is found by~~ the Commissioner finds that a person intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits and in the event the person is not prosecuted under section 1368 of this title and the penalty provided in section 1373 of this title is not imposed, the person shall be disqualified and shall not be entitled to receive benefits to which he or she would otherwise be entitled after the determination for ~~such number of weeks not exceeding a period of not more than 26 weeks~~ as the Commissioner ~~shall deem~~ deems just. The notice of determination shall also specify the period of disqualification imposed hereunder.

(2) During a state of emergency declared by the Governor in relation to a public health emergency or disaster that has caused the statewide seasonally adjusted unemployment rate for any month to rise to a level that is at least one percentage point above the average statewide seasonally adjusted unemployment rate for the previous 12 months, a period of disqualification imposed pursuant to subdivision (1) of this subsection (e) shall be temporarily suspended until the first full calendar week following the termination of the state of emergency. Nothing in this subdivision shall be construed to diminish the period of disqualification that a person shall be required to serve following the termination of the state of emergency.

* * *

Sec. 5. SUSPENSION OF PERIOD OF DISQUALIFICATION DURING
COVID-19 PUBLIC HEALTH EMERGENCY

Notwithstanding any provision of law to the contrary, during the state of emergency imposed pursuant to Executive Order 01-20, as amended, any period of disqualification imposed pursuant to 21 V.S.A. § 1347(e) shall be temporarily suspended until the first full calendar week following the termination of the state of emergency declared in relation to COVID-19 by Executive Order 01-20, as amended. Nothing in this section shall be construed to diminish a period of disqualification imposed pursuant to 21 V.S.A. § 1347.

Sec. 6. 21 V.S.A. § 1344 is amended to read:

§ 1344. DISQUALIFICATIONS

(a) An individual shall be disqualified for benefits:

* * *

(2) For any week benefits are claimed, except as provided in subdivision (a)(3) of this section, until he or she has presented evidence to the satisfaction of the Commissioner that he or she has performed services in employment for a bona fide employer and has had earnings in excess of six times his or her weekly benefit amount if the Commissioner finds that such individual is unemployed because:

* * *

(C) He or she has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the Commissioner, or to accept suitable work when offered him or her, or has during the course of a job interview for available employment made verbal statements ~~which~~ that are either untrue, show an unreasonable lack of interest, or are calculated to preclude an offer of work or a directive being made, or to return to his or her customary self-employment, if any, when so directed by the Commissioner. An individual shall not suffer more than one disqualification for these causes.

(D)(i) In determining whether or not any work or employment is suitable for an individual for purposes of this subdivision, the Commissioner shall consider the degree of risk involved to his or her health, safety, and morals, his or her physical fitness and prior training, his or her experience and prior earnings, his or her length of unemployment and prospects for securing local work in his or her customary occupation, and the distance of the available work from his or her residence.

(ii) Notwithstanding any other factors the Commissioner may consider in determining the degree of risk to an individual's health or safety, the Commissioner shall determine that work or employment that an individual has failed to apply for or declined to accept an offer for is not suitable for the individual based on the risk to his or her health or safety, or both, under the following circumstances:

(I) the individual is self-isolating or quarantining at the recommendation of a health care provider or pursuant to a specific recommendation, directive, or order issued by a public health authority with jurisdiction, the Governor, or the President for one of the following reasons:

(aa) the individual has been diagnosed with COVID-19;

(bb) the individual is experiencing the symptoms of COVID-19;

(cc) the individual has been exposed to COVID-19; or

(dd) the individual belongs to a specific class or group of persons that have been identified as being at high risk if exposed to or infected with COVID-19;

(II) there is an unreasonable risk that the individual could be exposed to or become infected with COVID-19 at the individual's place of employment;

(III) the individual is caring for or assisting a family member who is self-isolating or quarantining at the recommendation of a health care provider or pursuant to a specific recommendation, directive, or order issued by a public health authority with jurisdiction, the Governor, or the President for one of the following reasons:

(aa) the family member has been diagnosed with COVID-19;

(bb) the family member is experiencing the symptoms of COVID-19;

(cc) the family member has been exposed to COVID-19; or

(dd) the family member belongs to a specific class or group of persons that have been identified as being at high risk if exposed to or infected with COVID-19;

(IV) the individual is caring for or assisting a family member who has left employment because of an unreasonable risk that they could be exposed to or become infected with COVID-19 at their place of employment; or

(V) the individual is caring for a child under 18 years of age because the child's school or child care has been closed or the child care provider is unavailable due to a public health emergency related to COVID-19.

* * *

Sec. 7. 2020 Acts and Resolves No. 91, Sec. 33 is amended to read:

Sec. 33. 21 V.S.A. § 1344 is amended to read:

§ 1344. DISQUALIFICATIONS

(a) An individual shall be disqualified for benefits:

* * *

(2) For any week benefits are claimed, except as provided in subdivision (a)(3) of this section, until he or she has presented evidence to the satisfaction

of the Commissioner that he or she has performed services in employment for a bona fide employer and has had earnings in excess of six times his or her weekly benefit amount if the Commissioner finds that such individual is unemployed because:

(A) He or she has left the employ of his or her last employing unit voluntarily without good cause attributable to such employing unit. An individual shall not suffer more than one disqualification by reason of such separation. However, an individual shall not be disqualified for benefits if:

(i) the individual left such employment to accompany a spouse who:

~~(I)(i)~~ is on active duty with the U.S. Armed Forces and is required to relocate due to permanent change of station orders, activation orders, or unit deployment orders, and when such relocation would make it impractical or impossible, as determined by the Commissioner, for the individual to continue working for such employing unit; or

~~(II)(ii)~~ holds a commission in the U.S. Foreign Service and is assigned overseas, and when such relocation would make it impractical or impossible, as determined by the Commissioner, for the individual to continue working for such employing unit;

~~(ii) the individual has left employment to self-isolate or quarantine at the recommendation of a healthcare provider, or pursuant to a specific recommendation, directive, or order issued by a public health authority with jurisdiction, the Governor, or the President for one of the following reasons:~~

~~(I) the individual has been diagnosed with COVID-19;~~

~~(II) the individual is experiencing the symptoms of COVID-19;~~

~~(III) the individual has been exposed to COVID-19; or~~

~~(IV) the individual belongs to a specific class or group of persons that have been identified as being at high risk if exposed to or infected with COVID-19;~~

~~(iii) the individual has left employment because of an unreasonable risk that the individual could be exposed to or become infected with COVID-19 at the individual's place of employment;~~

~~(iv) the individual has left employment to care for or assist a family member of the individual who is self-isolating or quarantining at the recommendation of a healthcare provider or pursuant to a specific recommendation, directive, or order issued by a public health authority with jurisdiction, the Governor, or the President for one of the following reasons:~~

- ~~(I) the family member has been diagnosed with COVID-19;~~
- ~~(II) the family member is experiencing the symptoms of COVID-19;~~
- ~~(III) the family member has been exposed to COVID-19; or~~
- ~~(IV) the family member belongs to a specific class or group of persons that have been identified as being at high-risk if exposed to or infected with COVID-19;~~
- ~~(v) the individual has left employment to care for or assist a family member who has left employment because of an unreasonable risk that they could be exposed to or become infected with COVID-19 at their place of employment; or~~
- ~~(vi) the individual left such employment to care for a child under 18 years of age because the child's school or child care has been closed or the child care provider is unavailable due to a public health emergency related to COVID-19.~~

~~* * *~~

~~(G) As used in this subdivision (a)(2):~~

~~(i) "Family member" means an individual's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child. As used in this subdivision (a)(2)(G)(i), "spouse" includes a domestic partner or civil union partner.~~

~~(ii) "An unreasonable risk that the individual could be exposed to or become infected with COVID-19 at the individual's place of employment" shall include the individual's place of employment being out of compliance with the Guidance on Preparing Workplaces for COVID-19 issued by the U.S. Occupational Safety and Health Administration (OSHA) or any similar guidance issued by OSHA, the U.S. Centers for Disease Control, or the Vermont Department of Health and any other conditions or factors that the Commissioner determines to create an unreasonable risk.~~

~~(H)(i) Except as otherwise provided pursuant to subdivision (2) of this subdivision (a)(2)(H), an unemployed individual who is eligible for benefits pursuant to subdivisions (2)(A)(ii)–(vi) of this subsection shall be ineligible for benefits under those subdivisions if the individual becomes eligible for benefits provided pursuant to:~~

~~(I) enacted federal legislation that amends or establishes a federal program providing benefits for unemployed individuals that are similar to the benefits provided pursuant to subdivisions (2)(A)(ii)–(vi); or~~

~~(H) a national emergency declared by the President that results in the provision of benefits pursuant to Disaster Unemployment Assistance, Emergency Unemployment Compensation, Extended Unemployment Compensation, or any similar type program.~~

~~(ii) An individual who is receiving benefits pursuant to a federal program as set forth in subdivision (i) of this subdivision (a)(2)(H) shall not receive benefits pursuant to subdivisions (2)(A)(ii)-(vi) of this subsection except when and to the extent that the benefits provided by the applicable federal program are different from or are not in lieu of the benefits that are available pursuant to subdivisions (2)(A)(ii)-(vi) of this subsection, in which case the benefits provided under subdivisions (2)(A)(ii)-(vi) of this subsection shall continue.~~

~~(iii) Nothing in this subdivision (a)(2)(H) shall be construed to prevent an individual from receiving benefits pursuant to subdivisions (2)(A)(ii)-(vi) of this subsection if the individual's employer refuses or fails to pay the individual for leave under the federal Emergency Family and Medical Leave Expansion Act or the federal Emergency Paid Sick Leave Act.~~

~~* * *~~

(D)(i) In determining whether or not any work or employment is suitable for an individual for purposes of this subdivision, the Commissioner shall consider the degree of risk involved to his or her health, safety, and morals, his or her physical fitness and prior training, his or her experience and prior earnings, his or her length of unemployment and prospects for securing local work in his or her customary occupation, and the distance of the available work from his or her residence.

~~(ii) Notwithstanding any other factors the Commissioner may consider in determining the degree of risk to an individual's health or safety, the Commissioner shall determine that work or employment that an individual has failed to apply for or declined to accept an offer for is not suitable for the individual based on the risk to his or her health or safety, or both, under the following circumstances:~~

~~(I) the individual is self-isolating or quarantining at the recommendation of a health care provider or pursuant to a specific recommendation, directive, or order issued by a public health authority with jurisdiction, the Governor, or the President for one of the following reasons:~~

~~(aa) the individual has been diagnosed with COVID-19;~~

~~(bb) the individual is experiencing the symptoms of COVID-19;~~

~~(cc) the individual has been exposed to COVID-19; or~~

~~(dd) the individual belongs to a specific class or group of persons that have been identified as being at high-risk if exposed to or infected with COVID-19;~~

~~(II) there is an unreasonable risk that the individual could be exposed to or become infected with COVID-19 at the individual's place of employment;~~

~~(III) the individual is caring for or assisting a family member who is self-isolating or quarantining at the recommendation of a health care provider or pursuant to a specific recommendation, directive, or order issued by a public health authority with jurisdiction, the Governor, or the President for one of the following reasons:~~

~~(aa) the family member has been diagnosed with COVID-19;~~

~~(bb) the family member is experiencing the symptoms of COVID-19;~~

~~(cc) the family member has been exposed to COVID-19; or~~

~~(dd) the family member belongs to a specific class or group of persons that have been identified as being at high-risk if exposed to or infected with COVID-19;~~

~~(IV) the individual is caring for or assisting a family member who has left employment because of an unreasonable risk that they could be exposed to or become infected with COVID-19 at their place of employment; or~~

~~(V) the individual is caring for a child under 18 years of age because the child's school or child care has been closed or the child care provider is unavailable due to a public health emergency related to COVID-19.~~

~~* * *~~

~~(5) For any week in which the individual is receiving or has received remuneration in the form of:~~

~~* * *~~

~~(F) Sick pay or pay received pursuant to the federal Emergency Family and Medical Leave Expansion Act or the federal Emergency Paid Sick Leave Act.~~

~~* * *~~

Sec. 8. UNEMPLOYMENT INSURANCE RATE SCHEDULE FOR
BENEFIT YEAR BEGINNING JULY 1, 2021

(a) Notwithstanding any provision of 21 V.S.A. § 1326 to the contrary, the unemployment insurance contribution rate schedule for the benefit year beginning on July 1, 2021 shall not be more than two schedules higher than the contribution rate schedule for the previous benefit year.

(b) The provisions of this section shall not apply if, on April 15, 2021, the balance of the Unemployment Insurance Trust Fund is either below \$90,000,000.00 or projected to drop below that amount on or before December 31, 2021.

Sec. 9. UNEMPLOYMENT INSURANCE; BASE OF CONTRIBUTIONS
FOR 2021

(a) Notwithstanding 21 V.S.A. § 1321(b), the base of contributions for calendar year 2021 shall be the same amount as for calendar year 2020.

(b) On or before March 15, 2021, the Commissioner of Labor shall submit a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs that provides an assessment and recommendation regarding whether the base of contributions for calendar year 2022 can be reduced to the amount that, but for the provisions of subsection (a) of this section, it would have been set at for calendar year 2021 pursuant to the provisions of 21 V.S.A. § 1321(b).

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

Senate Proposal of Amendment

H. 795

An act relating to increasing hospital price transparency

The Senate proposes to the House to amend the bill by striking out Sec. 4, effective dates, in its entirety and inserting in lieu thereof Secs. 4–12 to read as follows:

Sec. 4. HOSPITAL SUSTAINABILITY PLANNING; REPORTS

(a)(1) The Green Mountain Care Board shall consider ways to increase the financial sustainability of Vermont hospitals in order to achieve population-based health improvements while maintaining community access to services. In conducting this work, the Board shall consult with the Director of Health Care Reform in the Agency of Human Services, Vermont hospitals, the

Vermont Association of Hospitals and Health Systems, certified accountable care organizations, the Office of the Health Care Advocate, and other interested stakeholders.

(2) All materials submitted to the Board pursuant to this section shall be provided to the Office of the Health Care Advocate, which shall not further disclose any confidential information.

(b) On or before November 15, 2020, the Board shall inform the Health Reform Oversight Committee about its consideration to date of ways to increase hospital financial sustainability as set forth in subdivision (a)(1) of this section.

(c) On or before April 1, 2021, the Board shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance an update on its progress in considering and developing recommendations for increasing hospital financial sustainability as set forth in subdivision (a)(1) of this section.

(d)(1) On or before September 1, 2021, the Board shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance its final recommendations for increasing the financial sustainability of Vermont hospitals in order to achieve population-based health improvements while maintaining community access to services.

(2) In the event that the COVID-19 pandemic makes it impracticable for the Board to submit its recommendations by the date specified in subdivision (1) of this subsection, the Board shall provide an update on its progress by September 1, 2021 and shall make best efforts to submit its final recommendations in a timely manner but not later than November 15, 2021.

Sec. 5. PROVIDER SUSTAINABILITY AND REIMBURSEMENTS; REPORTS

(a) The Green Mountain Care Board, in collaboration with the Department of Financial Regulation, the Department of Vermont Health Access, and the Director of Health Care Reform in the Agency of Human Services, shall identify processes for improving provider sustainability and increasing equity in reimbursement amounts among providers. In evaluating potential processes, the Board's considerations shall include:

- (1) care settings;
- (2) value-based payment methodologies, such as capitation;
- (3) Medicare payment methodologies;
- (4) public and private reimbursement amounts; and

(5) variations in payer mix among different types of providers.

(b) On or before November 15, 2020, the Board shall provide an update to the Health Reform Oversight Committee regarding its progress in identifying processes for improving provider sustainability and increasing equity in reimbursement amounts among providers.

(c) On or before March 15, 2021, the Board shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance the options that the Board has identified as demonstrating the greatest potential for improving provider sustainability and increasing equity in reimbursement amounts among providers and shall identify areas that would require further study prior to implementation.

Sec. 6. 8 V.S.A. § 4062 is amended to read:

§ 4062. FILING AND APPROVAL OF POLICY FORMS AND PREMIUMS

* * *

(b)(1) In conjunction with a rate filing required by subsection (a) of this section, an insurer shall file a plain language summary of the proposed rate. All summaries shall include a brief justification of any rate increase requested, the information that the Secretary of the U.S. Department of Health and Human Services (HHS) requires for rate increases over 10 percent, and any other information required by the Board. The plain language summary shall be in the format required by the Secretary of HHS pursuant to the Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, and shall include notification of the public comment period established in subsection (c) of this section. In addition, the insurer shall post the summaries on its website.

* * *

(3)(A) Upon request, in conjunction with a rate filing required by subsection (a) of this section, an insurer shall provide to the Board detailed information about the insurer's payments to specific providers, which may include fee schedules, payment methodologies, and other payment information specified by the Board.

(B) Confidential business information and trade secrets received from an insurer pursuant to subdivision (A) of this subdivision (3) shall be exempt from public inspection and copying under 1 V.S.A. § 317(c)(9) and shall be kept confidential, except that the Board may disclose or release information publicly in summary or aggregate form if doing so would not disclose confidential business information or trade secrets.

(C) Notwithstanding 1 V.S.A. chapter 5, subchapter 2 (Vermont Open Meeting Law), the Board may examine and discuss confidential information outside a public hearing or meeting.

* * *

Sec. 7. [Deleted.]

Sec. 8. [Deleted.]

Sec. 9. 18 V.S.A. § 9457 is amended to read:

§ 9457. INFORMATION AVAILABLE TO THE PUBLIC

(a) ~~All information~~ Information required to be filed under this subchapter shall be made available to the public upon request, ~~provided that~~ in accordance with 1 V.S.A. chapter 5, subchapter 3 (Public Records Act), except that information that directly or indirectly identifies individual patients or health care practitioners shall not be directly or indirectly identifiable be kept confidential.

(b) Notwithstanding 1 V.S.A. chapter 5, subchapter 2 (Vermont Open Meeting Law) or any provision of this subchapter to the contrary, the Board may examine and discuss confidential information outside a public hearing or meeting.

Sec. 10. 2020 Acts and Resolves No. 91, Sec. 8, as amended by 2020 Acts and Resolves No. 140, Sec. 13, is further amended to read:

Sec. 8. ACCESS TO HEALTH CARE SERVICES; DEPARTMENT OF FINANCIAL REGULATION; EMERGENCY RULEMAKING

It is the intent of the General Assembly to increase Vermonters' access to medically necessary health care services during and after a declared state of emergency in Vermont as a result of COVID-19. Until July 1, 2021, and notwithstanding any provision of 3 V.S.A. § 844 to the contrary, the Department of Financial Regulation shall consider adopting, and shall have the authority to adopt, emergency rules to address the following through June 30, 2021:

(1) expanding health insurance coverage for, and waiving or limiting cost-sharing requirements directly related to, COVID-19 the diagnosis of COVID-19, including tests for influenza, pneumonia, and other respiratory viruses performed in connection with making a COVID-19 diagnosis; the treatment, of COVID-19 when it is the primary or a secondary diagnosis; and the prevention of COVID-19;

(2) modifying or suspending health insurance plan deductible

requirements for all prescription drugs, except to the extent that such an action would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223; and

(3) expanding patients' access to and providers' reimbursement for health care services, including preventive services, consultation services, and services to new patients, delivered remotely through telehealth, audio-only telephone, and brief telecommunication services.

Sec. 11. 2020 Acts and Resolves No. 140, Sec. 4 is amended to read:

Sec. 4. MENTAL HEALTH INTEGRATION COUNCIL; REPORT

* * *

(f) Meetings.

(1) The Commissioner of Mental Health shall call the first meeting of the Council.

(2) The Commissioner of Mental Health shall serve as chair. The Commissioner of Health shall serve as vice chair.

(3) The Council shall meet every other month between ~~October 1, 2020~~ January 15, 2021 and January 1, 2023.

(4) The Council shall cease to exist on July 30, 2023.

* * *

Sec. 12. EFFECTIVE DATES

(a) Sec. 2 (18 V.S.A. § 9411) shall take effect on November 1, 2020, with the interactive price transparency dashboard becoming available for use by the public as soon as it is operational, but in no event later than February 15, 2022.

(b) Secs. 6 (8 V.S.A. § 4062) and 9 (18 V.S.A. § 9457) shall take effect on November 1, 2020.

(c) The remaining sections shall take effect on passage.

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

An act relating to hospital price transparency, hospital sustainability planning, provider sustainability and reimbursements, and regulators' access to information.

(For text see House Journal March 12, 2020)

Senate Proposal of Amendment

H. 926

- 5451 -

An act relating to changes to Act 250

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:

* * * Trails * * *

Sec. 1. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

* * *

(38) “Recreational trail” has the same meaning as “trails” in subdivision 442(3) of this title.

(39) “Vermont trails system trail” means a recreational trail recognized by the Agency of Natural Resources pursuant to chapter 20 of this title. For purposes of this chapter, the construction, operation, and maintenance of a Vermont trails system trail shall be for a municipal, county, or State purpose.

Sec. 2. 10 V.S.A. § 442(3) is amended to read:

(3) “Trails” means land used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other similar activities. Trails may be used for recreation, transportation, and other compatible purposes, but the primary purpose shall not be the operation of a motor vehicle. As used in this subdivision, “motor vehicle” shall not include all-terrain vehicles or snowmobiles.

Sec. 3. 10 V.S.A. § 6001(3)(A) is amended to read:

(3)(A) “Development” means each of the following:

* * *

(xi) The construction of improvements for a Vermont trails system trail on a tract or tracts of land involving more than 10 acres.

(I) This subdivision (xi) shall be the exclusive mechanism for determining jurisdiction over a recreational trail that is a Vermont trails system trail and shall only apply to the construction of improvements made on or after October 1, 2020.

(II) For purposes of this subdivision (xi), involved land includes:

(aa) land that is physically altered, including any ground disturbance and clearing that will occur; and

(bb) infrastructure that is incidental to the operation of the trail, including restrooms, parking areas, shelters, picnic areas, kiosks, and interpretive and directional signage.

(III) For purposes of this subdivision (xi), involved land does not include land where no ground will be disturbed or cleared or any Vermont trails system trail constructed before October 1, 2020.

Sec. 4. 10 V.S.A. § 6001(3)(C) is amended to read:

(C) For the purposes of determining jurisdiction under subdivision (3)(A) of this section, the following shall apply:

* * *

(vi) Recreational trails. When jurisdiction over a trail has been established pursuant to subdivision (A) of this subdivision (3), jurisdiction shall extend only to the recreational trail and infrastructure that is incidental to the operation of the trail. Jurisdiction shall not extend to the remainder of a parcel or parcels where a recreational trail is located, unless otherwise determined to be jurisdictional pursuant to another provision of this chapter.

Sec. 5. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

* * *

(y) No permit or permit amendment shall be required for the construction of improvements on a tract of land that would provide access across a recreational trail, provided that the access is not related to the use of the permitted recreational trail and would not establish jurisdiction under this chapter on its own.

(z) Notwithstanding 1 V.S.A. §§ 213 and 214, and until January 1, 2022, no permit is required for a Vermont trails system trail recognized pursuant to chapter 20 of this title if the trail was in existence prior to October 1, 2020.

Sec. 6. RECREATIONAL TRAILS RECOMMENDATIONS AND REPORT

On or before January 15, 2021, the Agency of Natural Resources shall report to the House Committee on Natural Resources, Fish, and Wildlife and to the Senate Committee on Natural Resource and Energy with legislative recommendations for a best management practices driven program for Vermont trails system trails that is administered by the Agency of Natural Resources. The report shall include recommendations for revisions to 10 V.S.A. chapter 20, including revisions to mapping, legislative authority to

administer the program, potential funding sources, staffing needs, and whether to include other recreational trails. The Agency of Natural Resources shall consult with stakeholders on the proposed program, including the Vermont Trail Alliance, the Forest Partnership, and the Vermont Agency of Transportation.

Sec. 7. PROSPECTIVE REPEAL

10 V.S.A. § 6001(3)(A)(xi) shall be repealed on January 1, 2022.

* * * Forest Blocks * * *

Sec. 8. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

* * *

(40) “Connecting habitat” means land or water, or both, that links patches of habitat within a landscape, allowing the movement, migration, and dispersal of wildlife and plants and the functioning of ecological processes. A connecting habitat may include features including recreational trails and improvements constructed for farming, logging, or forestry purposes.

(41) “Forest block” means a contiguous area of forest in any stage of succession and not currently developed for nonforest use. A forest block may include features including recreational trails, wetlands, or other natural features that do not themselves possess tree cover and improvements constructed for farming, logging, or forestry purposes.

(42) “Habitat” means the physical and biological environment in which a particular species of plant or wildlife lives.

Sec. 9. 10 V.S.A. § 6086(a)(8) is amended to read:

(8) Ecosystem protection; scenic beauty; historic sites.

(A) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

(A)(B) Necessary wildlife habitat and endangered species. A permit will not be granted if it is demonstrated by any party opposing the applicant that a development or subdivision will destroy or significantly imperil necessary wildlife habitat or any endangered species; and

(i) the economic, social, cultural, recreational, or other benefit to the public from the development or subdivision will not outweigh the

economic, environmental, or recreational loss to the public from the destruction or imperilment of the habitat or species; or

(ii) all feasible and reasonable means of preventing or lessening the destruction, diminution, or imperilment of the habitat or species have not been or will not continue to be applied; or

(iii) a reasonably acceptable alternative site is owned or controlled by the applicant ~~which~~ that would allow the development or subdivision to fulfill its intended purpose.

(C) Will not have an undue adverse impact on forest blocks and connecting habitat. A permit shall be granted only if impacts to forest blocks and connecting habitat are avoided, minimized, and mitigated in accordance with rules adopted by the Board.

Sec. 10. CRITERION 8(C) RULEMAKING

(a) The Natural Resources Board (Board), in consultation with the Agency of Natural Resources shall adopt rules pursuant to 3 V.S.A. chapter 25 to implement the requirements for the administration of 10 V.S.A. § 6086(a)(8)(C). Rules adopted by the Board shall include:

(1) How forest blocks and connecting habitat are further defined, including their size, location, and function, which may include:

(A) information that will be available to the public to determine where forest blocks and connecting habitat are located; or

(B) advisory mapping resources, how they will be made available, how they will be used, and how they will be updated.

(2) Standards establishing how impacts can be avoided, minimized, or mitigated, including how fragmentation of forest blocks or connecting habitat is avoided or minimized, which may include steps to promote proactive site design of buildings, roadways and driveways, utility location, and location relative to existing features such as roads, tree lines, and fence lines. As used in this subdivision, "fragmentation" means the division or conversion of a forest block or connecting habitat by the separation of a parcel into two or more parcels; the construction, conversion, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill; and any change in the use of any building or other structure, or land, or extension of use of land. However, fragmentation does not include the division or conversion of a forest block or connecting habitat by a recreational trail or by improvements constructed for farming, logging, or forestry purposes below the elevation of 2,500 feet.

(3) Criteria to identify when a forest block or connecting habitat is eligible for mitigation, and criteria to identify when a forest block or connecting habitat is not eligible for mitigation due to the unique value of the area and need to maintain the functionality of the forest block or connecting habitat.

(4) Standards for how impacts to a forest block or connecting habitat may be mitigated. Standards may include:

(A) appropriate ratios for compensation;

(B) appropriate forms of compensation such as conservation easements, fee interests in land, and other forms of compensation; and

(C) appropriate uses and limitations of on-site and off-site mitigation.

(b) Prior to prefilng with the Interagency Committee on Administrative Rules, the Board shall convene a working group to gather input on the rule. The working group shall ensure broad, inclusive, and transparent engagement with the public, which shall include a broad range of stakeholders and interested parties. The Board shall convene the working group on or before March 15, 2021.

(c) The Board shall file a final proposed rule with the Secretary of State and Legislative Committee on Administrative Rules on or before August 15, 2022.

Sec. 11. 10 V.S.A. § 127 is amended to read:

§ 127. RESOURCE MAPPING

~~(a) On or before January 15, 2013, the~~ The Secretary of Natural Resources (the Secretary) shall complete and maintain resource mapping based on the Geographic Information System (GIS) or other technology. The mapping shall identify natural resources throughout the State, including forest blocks, that may be relevant to the consideration of energy projects and projects subject to chapter 151 of this title. The Center for Geographic Information shall be available to provide assistance to the Secretary in carrying out the GIS-based resource mapping.

~~(b) The Secretary of Natural Resources shall consider the GIS-based resource maps developed under subsection (a) of this section when providing evidence and recommendations to the Public Utility Commission under 30 V.S.A. § 248(b)(5) and when commenting on or providing recommendations under chapter 151 of this title to District Commissions on other projects.~~

(c) The Secretary shall establish and maintain written procedures that include a process and science-based criteria for updating resource maps developed under subsection (a) of this section. Before establishing or revising these procedures, the Secretary shall provide opportunities for affected parties and the public to submit relevant information and recommendations.

* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

This act shall take effect on October 1, 2020, except that Sec. 9, 10 V.S.A. § 6086(a)(8), shall take effect on September 1, 2022.

(For text see House Journal of February 28, 2020)

Senate Proposal of Amendment

H. 934

An act relating to renter rebate reform

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

First: In Sec. 1, 32 V.S.A. § 6061, definitions, after “unless the context requires otherwise:” and before the asterisks by inserting the following to read as follows:

(1) “Property tax credit” means a credit of the prior tax year’s statewide or local share property tax liability or a homestead owner ~~or renter~~ credit, as authorized under section 6066 of this title, as the context requires.

Second: By striking out Sec. 5, effective date, in its entirety and inserting in lieu thereof five new sections to read as follows:

Sec. 5. 32 V.S.A. § 6067 is amended to read:

§ 6067. CREDIT LIMITATIONS

Only one individual per household per taxable year shall be entitled to a ~~benefit~~ property tax credit under this chapter. An individual who received a homestead exemption or credit with respect to property taxes assessed by another state for the taxable year shall not be entitled to receive a credit under this chapter. No taxpayer shall receive a renter credit under subsection 6066(b) of this title in excess of ~~\$3,000.00~~ \$2,500.00. No taxpayer shall receive a property tax credit under subdivision 6066(a)(3) of this title greater than \$2,400.00 or cumulative credit under subdivisions 6066(a)(1)–(2) and (4) of this title greater than \$5,600.00.

Sec. 6. 32 V.S.A. § 6068 is amended to read:

§ 6068. APPLICATION AND TIME FOR FILING

(a) A tax credit claim or request for allocation of an income tax refund to homestead property tax payment shall be filed with the Commissioner on or before the due date for filing the Vermont income tax return, without extension, and shall describe the school district in which the homestead property is located and shall particularly describe the homestead property for which the credit or allocation is sought, including the school parcel account number prescribed in subsection 5404(b) of this title. A renter ~~rebate~~ credit claim shall be filed with the Commissioner on or before the due date for filing the Vermont income tax return, without extension.

* * *

(c) No request for allocation of an income tax refund or for a renter ~~rebate~~ credit claim may be made after October 15.

Sec. 7. 32 V.S.A. chapter 154 is redesignated to read:

CHAPTER 154. HOMESTEAD PROPERTY TAX CREDIT AND RENTER CREDIT

Sec. 8. 32 V.S.A. § 3206(b) is amended to read:

(b) As used in this section, “extraordinary relief” means a remedy that is within the power of the Commissioner to grant under this title, a remedy that compensates for the result of inaccurate classification of property as homestead or nonhomestead pursuant to section 5410 of this title through no fault of the taxpayer, or a remedy that makes changes to a taxpayer’s property tax credit or renter ~~rebate~~ credit claim necessary to remedy the problem identified by the Taxpayer Advocate.

Sec. 9. EFFECTIVE DATE

This act shall take effect on January 1, 2021 and apply to taxable years beginning on and after January 1, 2021 (claim filing years 2022 and after).

(For text see House Journal September 15, 2020)

Ordered to Lie

H. 162

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

Pending Action: Second reading

H. 492

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

Pending Action: Second reading

H. 535

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

Pending Action: Second reading

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of Thursday, September 17, 2020.

H.C.R. 325

House concurrent resolution congratulating the 2019 Brattleboro Union High School Colonels Division II championship football team

H.C.R. 326

House concurrent resolution commemorating the 50th anniversary of Green Up Day and honoring Melinda Vieux for her superb organizational leadership

H.C.R. 327

House concurrent resolution honoring former Georgia Conservation Commission Chair Kent Henderson for his outstanding municipal public service

H.C.R. 328

House concurrent resolution honoring former Montpelier Police Chief Anthony John Facos for 33 years of dedicated municipal public service

H.C.R. 329

House concurrent resolution celebrating the centennial of universal women's suffrage and General Assembly membership

H.C.R. 330

House concurrent resolution congratulating Marjorie Adeline (Brown) LaValley on her 100th birthday

H.C.R. 331

House concurrent resolution congratulating Jennifer H. Wood as the 2020 Vermont winner of the Presidential Award for Excellence in Mathematics and Science Teaching

H.C.R. 332

House concurrent resolution honoring Brattleboro Justice of the Peace Elliott C. Greenblott for his civic and community leadership

H.C.R. 333

House concurrent resolution congratulating the Town of Essex on being certified as one of Vermont's first two Quality Youth Development Communities

H.C.R. 335

House concurrent resolution honoring François Clemmons on his exemplary musical and theatrical career

H.C.R. 336

House concurrent resolution in memory of James Bernard Reardon of Essex

H.C.R. 337

House concurrent resolution designating October 6, 2020 as Vermont Mask Day

H.C.R. 338

House concurrent resolution honoring Vermont State employees who have performed their duties in a professional and exemplary manner during the COVID-19 pandemic

H.C.R. 339

House concurrent resolution congratulating the Central Vermont Pioneers on winning the 2019 Empire State Sled Hockey Championship

H.C.R. 340

House concurrent resolution congratulating the Colchester All-Stars on winning the 2020 Vermont State Little League Baseball championship

H.C.R. 341

House concurrent resolution congratulating the 2019 Poultney High School Blue Devils Division III championship football team

H.C.R. 342

House concurrent resolution honoring Curtis Tuff of Putney and his Curtis' All American BARBQ