

House Calendar

Monday, September 21, 2020

259th DAY OF THE ADJOURNED SESSION

House Convenes at 4:30 P.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. Killackey of South Burlington, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT

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

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

§ 4812. RECOVERY RESIDENCES

(a) Definition.

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

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

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

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

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

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

(c) Terms of residency; compliance.

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

(2) Residential rental agreement.

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

(i) the policies and procedures governing the tenancy;

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

(iii) the consequences of noncompliance;

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

(v) payment requirements;

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

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

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

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

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

(3) Temporary removal.

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

(i) A recovery residence shall:

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

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

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

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

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

(4) Termination of tenancy.

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

(i) A recovery residence shall:

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

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

(III) adopt a review process under which:

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

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

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

decision.

(ii) A recovery residence shall not:

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

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

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

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

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

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

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

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

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

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

* * *

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

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

* * *

Sec. 4. REPORT; RECOVERY RESIDENCE; FURLOUGH

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

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 8-1-2)

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

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

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

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

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

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

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

(Committee Vote: 9-0-2)

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

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

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

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

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

**Unfinished Business of 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</u> <u>0.05% of adjusted gross</u> <u>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 entirety 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 entirety 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 entirety 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

S. 27

An act relating to maintaining the home health agency provider tax

S. 237

An act relating to promoting affordable housing

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)

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

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 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)

NOTICE CALENDAR

Favorable with Amendment

S. 119

An act relating to a statewide use of deadly force policy for law enforcement

Rep. LaLonde of South Burlington, for the Committee on Judiciary, 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. 20 V.S.A. § 2368 is added to read:

§ 2368. STANDARDS FOR LAW ENFORCEMENT USE OF FORCE

(a) Definitions. As used in this section:

(1) “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury.

(2) “Force” means the physical coercion employed by a law enforcement officer to compel a person’s compliance with the officer’s instructions.

(3) “Imminent threat of death or serious bodily injury” means when,

based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the law enforcement officer or another person. An imminent threat is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be immediately addressed and confronted.

(4) “Law enforcement officer” shall have the same meaning as in 20 V.S.A. § 2351a.

(5) “Prohibited restraint” means the use of any maneuver on a person that applies pressure to the neck, throat, windpipe, or carotid artery that may prevent or hinder breathing, reduce intake of air, or impede the flow of blood or oxygen to the brain.

(6) “Totality of the circumstances” means the conduct and decisions of the law enforcement officer leading up to the use of force and all facts known or reasonably available to the law enforcement officer at the time, including whether a medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug or alcohol impairment, or other factor beyond the subject’s control interferes with the subject’s ability to understand or comply with law enforcement commands.

(b) Use of force.

(1) The authority of law enforcement to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. Every person has a right to be free from excessive use of force by officers acting under authority of the State.

(2) A law enforcement officer shall use only the force objectively reasonable, necessary, and proportional to effect an arrest, to prevent escape, or to overcome resistance of a person the officer has reasonable cause to believe has committed a crime or to achieve any other lawful law enforcement objective.

(3) The decision by a law enforcement officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by law enforcement officers, in order to ensure that officers use force consistent with law and with agency policies.

(4) Whether the decision by a law enforcement officer to use force was objectively reasonable shall be evaluated from the perspective of a reasonable

officer in the same situation, based on the totality of the circumstances. A law enforcement officer's failure to use feasible and reasonable alternatives to force shall be a consideration for whether its use was objectively reasonable.

(5) When a law enforcement officer knows or reasonably should know that a subject's conduct is the result of a medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug or alcohol impairment, or other factor beyond the subject's control, the officer shall take that information into account in determining the amount of force appropriate to use on the subject, if any.

(6) A law enforcement officer who makes or attempts to make an arrest need not retreat or desist from his or her efforts by reason of the resistance or threatened resistance of the person being arrested. A law enforcement officer shall not be deemed an aggressor or lose the right to self-defense by the use of proportional force if necessary in compliance with subdivision (b)(2) of this section to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, "retreat" does not mean tactical repositioning or other de-escalation tactics.

(c) Use of deadly force.

(1) A law enforcement officer is justified in using deadly force upon another person only when, based on the totality of the circumstances, such force is objectively reasonable and necessary to:

(A) defend against an imminent threat of death or serious bodily injury to the officer or to another person; or

(B) apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

(2) The use of deadly force is necessary when, given the totality of the circumstances, an objectively reasonable law enforcement officer in the same situation would conclude that there was no reasonable alternative to the use of deadly force that would prevent death or serious bodily injury to the officer or to another person.

(3) A law enforcement officer shall cease the use of deadly force as soon as the subject is under the officer's control or no longer poses an imminent threat of death or serious bodily injury to the officer or to another person.

(4) A law enforcement officer shall not use deadly force against a person based on the danger that person poses to himself or herself, if an

objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the law enforcement officer or to another person.

(5) When feasible, a law enforcement officer shall, prior to the use of force, make reasonable efforts to identify himself or herself as a law enforcement officer and to warn that deadly force may be used.

(6) A law enforcement officer shall not use a prohibited restraint on a person for any reason.

(7) A law enforcement officer has a duty to intervene when the officer observes another officer using a prohibited restraint on a person.

Sec. 2. 13 V.S.A. § 2305 is amended to read:

§ 2305. JUSTIFIABLE HOMICIDE

If a person kills or wounds another under any of the circumstances enumerated below, he or she shall be guiltless:

(1) in the just and necessary defense of ~~his or her~~ the person's own life or the life of ~~his or her husband, wife~~ the person's spouse, parent, child, brother, sister, master, mistress, servant sibling, guardian, or ward; or

(2) in the forceful or violent suppression of a person attempting to commit murder, sexual assault, aggravated sexual assault, burglary, or robbery, ~~with force or violence~~; or

(3) in the case of a ~~civil officer; or a military officer or private soldier when lawfully called out to suppress riot or rebellion, or to prevent or suppress invasion, or to assist in serving legal process, in suppressing opposition against him or her in the just and necessary discharge of his or her duty~~ law enforcement officer as defined in 20 V.S.A. § 2351(a) using force or deadly force in compliance with 20 V.S.A. § 2368(b)(2) or (c)(1)–(4).

Sec. 3. 2020 Acts and Resolves No. 147, Sec. 9 is amended to read:

Sec. 9. REPEALS

(a) ~~13 V.S.A. § 1032 (law enforcement use of prohibited restraint) is repealed on July 1, 2021. [Repealed.]~~

(b) ~~13 V.S.A. § 2305(3) (justifiable homicide) is repealed on July 1, 2021. [Repealed.]~~

Sec. 4. DEPARTMENT OF PUBLIC SAFETY; REPORT ON MODEL STATEWIDE POLICY FOR LAW ENFORCEMENT USE OF FORCE

On or before February 2, 2021, the Department of Public Safety and the Executive Director of Racial Equity shall report to the House and Senate Committees on Judiciary and on Government Operations regarding the development of a uniform statewide model policy on the use of force for all law enforcement agencies and officers as directed by Executive Order No. 03-20 (Governor's Public Safety Reform Initiative). The report shall include:

(1) the process undertaken by the Department, including a list of the community representatives and other stakeholders that were included in the development of the policy, the number of times the stakeholders met, and any opportunities given for public comment and the participation in and outcome of that public comment; and

(2) the final proposed policy.

Sec. 5. EFFECTIVE DATES

(a) Sec. 1 (standards for law enforcement use of force) shall take effect on July 1, 2021.

(b) The remainder of 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 statewide standard and policy for law enforcement use of force"

(Committee vote: 8-3-0)

(For text see Senate Journal June 23, 2020)

Favorable with Amendment

S. 124

An act relating to miscellaneous law enforcement amendments

Rep. 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 out 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)

Rep. Townsend of South Burlington, for the Committee on Appropriations, recommends that the report of the Committee on Government

Operations be amended by adding a Sec. 8a to read as follows:

Sec. 8a. COUNCIL; REPORT ON RESOURCES NEEDED TO OPERATE

On or before January 15, 2021, the Executive Director of the Vermont Criminal Justice Council shall report to the House and Senate Committees on Appropriations and on Government Operations specifying the resources the Council needs to fully operate as set forth in law, including the resources it needs to implement the provisions of this act. The Executive Director shall specifically detail in this report any additional appropriations or positions it needs to fully operate and provide a narrative to explain the basis for those needs.

(Committee Vote: 10-1-0)

Favorable with Amendment

S. 254

An act relating to union organizing

Rep. Walz of Barre City, for the Committee on General, Housing, and Military Affairs, recommends that the House propose to the Senate that the bill be amended as follows:

First: By striking out Sec. 1, 3 V.S.A. § 941 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 3 V.S.A. § 941 is amended to read:

**§ 941. UNIT DETERMINATION, CERTIFICATION, AND
REPRESENTATION**

* * *

(c)(1) A petition may be filed with the Board, in accordance with procedures prescribed by the Board:

~~(1)~~—By by an employee or group of employees, or any individual or employee organization purporting to act ~~in~~ on their behalf, alleging by filing a petition or petitions bearing signatures of not less than 30 percent of the employees, that they wish to form a bargaining unit and be represented for collective bargaining, or that the individual or employee organization currently certified as the bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit, or that they are now included in an approved bargaining unit and wish to form a separate bargaining unit under Board criteria for purposes of collective bargaining. The employee, group of employees, individual, or employee organization that files the petition, shall, at

the same time that the petition is filed with the Board, provide a copy of the petition to the employer and, if appropriate, the current bargaining agent.

(2)(A)(i) An employer shall, not more than seven business days after receiving a copy of the petition, file any objections to the appropriateness of the proposed bargaining unit and raise any other unit determination issues with the Board and provide a copy of the filing to the employee, group of employees, individual, or employee organization that filed the petition.

(ii) A hearing shall be held before the Board pursuant to subdivision (d)(1)(B) of this section in the event the employer challenges the appropriateness of the proposed bargaining unit, provided that a hearing shall not be held if the parties stipulate to the composition of the appropriate bargaining unit and resolve any other unit determination issues before the hearing.

(iii) The Board may endeavor to informally mediate any dispute regarding the appropriateness of the proposed bargaining unit prior to the hearing.

(B)(i) Within five business days after receiving a copy of the petition, the employer shall file with the Board and the employee or group of employees, or the individual or employee organization purporting to act on their behalf, a list of the names and job titles of the employees in the proposed bargaining unit. To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(ii) An employee or group of employees, or any person purporting to act on their behalf, that is seeking to demonstrate that the current bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit shall not be entitled to obtain a list of the employees in the bargaining unit from the employer pursuant to this subdivision (c)(2)(B), but may obtain a list pursuant to subdivision (e)(3) of this section after the Board has investigated its petition and determined that a secret ballot election shall be conducted.

(iii) The list shall be kept confidential and shall be exempt from copying and inspection under the Public Records Act.

(d) The Board, a Board member thereof, or a person or persons designated by the Board shall investigate the petition, and do one of the following:

(1) Determine that the petition has made a sufficient showing of interest pursuant to subdivision (c)(1) of this section.

~~(4)(2)(A) if~~ If it finds reasonable cause to believe that a question of unit determination or representation exists, ~~an appropriate hearing shall be~~

~~scheduled before the Board upon due notice~~ the Board shall schedule a hearing to be held before the Board not more than ten business days after the petition was filed with the Board.

~~(B) Once scheduled, the date of the hearing shall not be subject to change except as provided pursuant to subdivision (e)(4) of this section. Upon request, the results of the investigation shall be made available by the Board to the petitioners and all intervenors, if any, including the duly certified bargaining representative prior to giving notice of hearing. Written notice of the hearing shall be mailed by certified mail to the parties named in the petition not less than seven calendar days before the hearing.~~

~~(C) Hearing procedure and notification of the results of same the hearing shall be in accordance with rules prescribed adopted by the Board, or except that the parties shall only be permitted to submit posthearing briefs within not more than five days after the hearing if the parties mutually agree to do so or if the Board requests that the parties submit posthearing briefs.~~

~~(D) The Board shall issue its decision as soon as practicable and, in any event, not more than five business days after the hearing or the submission any posthearing briefs.~~

~~(2)(3) dismiss the petition, based upon the~~ If the Board finds an absence of substantive evidence, it shall dismiss the petition.

~~(e)(1) Whenever, as a result on the basis of a petition and an appropriate pursuant to subdivision (d)(1) of this section or a hearing pursuant to subdivision (d)(2) of this section, the Board finds substantial interest among employees in forming a bargaining unit or being represented for purposes of collective bargaining, a secret ballot election shall be conducted by the Board to be taken in such manner as to show not more than 23 business days after the petition is filed with the Board except as otherwise provided pursuant to subdivision (4) of this subsection.~~

~~(2) The election shall be conducted so that it shows separately the wishes of the employees in the voting group involved as to the determination of the collective bargaining unit, including the right not to be organized. In order for a The collective bargaining unit to or collective bargaining representative shall be recognized and certified by the Board, there must be upon a majority vote cast by those of the employees voting.~~

~~(3)(A) The employer shall file with the Board and the other parties a list of the employees in the bargaining unit within two business days after the Board determines that a secret ballot election shall be conducted.~~

(B) The list shall include, as appropriate, each employee's name, work location, shift, job classification, and contact information. As used in this subdivision (3), "contact information" includes an employee's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the employer is in possession of such information.

(C) To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(D) The list shall be:

(i) kept confidential by the Board and all of the parties; and

(ii) shall be exempt from copying and inspection under the Public Records Act.

(E) Failure to file the list within the time required pursuant to subdivision (A) of this subdivision (3) may be grounds for the Board to set aside the results of the election if an objection is filed within the time required pursuant to the Board's rules.

(4) The Board may, upon the request of any party or on its own motion, extend any time period set forth in this subsection or in subsections (c) and (d) of this section for good cause, provided that the election shall be conducted, or, in the event of a mail ballot election, that ballots are mailed to the employees, within not more than 60 calendar days after the date the petition is filed pursuant to subsection (c) of this section. The Board may further extend the time to conduct the election by not more than 30 additional calendar days upon the mutual agreement of the parties or if it determines that extraordinary circumstances have made such an extension necessary.

* * *

(g)(1) In determining the representation of State employees in a collective bargaining unit, the Board shall conduct a secret ballot of the employees within the time period set forth in subdivision (e)(1) of this section, unless the time to conduct the election is extended pursuant to subdivision (e)(4) of this section, and certify the results to the interested parties and to the State employer. The original ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. No representative will be certified with less than a majority of the votes cast by employees in the bargaining unit.

* * *

Second: In Sec. 2, 16 V.S.A. § 1992, in subdivision (a)(2)(B), before the words “business days” by striking out the word “two” and inserting in lieu thereof the word “five”

Third: By striking out Sec. 3, 21 V.S.A. § 1724, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. 21 V.S.A. § 1724 is amended to read:

§ 1724. CERTIFICATION PROCEDURE

(a)(1) A petition may be filed with the Board, in accordance with regulations prescribed rules adopted by the Board:

(1)(A) By an employee or group of employees, or any individual or employee organization purporting to act ~~in~~ on their behalf, alleging that not less than 30 percent of the employees, wish to form a bargaining unit and be represented for collective bargaining, or assert that the individual or employee organization currently certified as bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit, or that not less than 51 percent of the employees now included in an approved bargaining unit wish to form a separate bargaining unit under Board criteria for purposes of collective bargaining. The employee, group of employees, individual, or employee organization that files the petition shall, at the same time that the petition is filed with the Board, provide a copy of the petition to the employer and, if appropriate, the current bargaining agent.

(2)(B) By the employer alleging that the presently certified bargaining unit is no longer appropriate under Board criteria. The employer shall provide a copy of the petition to the current bargaining agent at the same time that the petition is filed with the Board.

(2)(A)(i) An employer shall, not more than seven business days after receiving a copy of the petition, file any objections to the appropriateness of the proposed bargaining unit and raise any other unit determination issues with the Board and provide a copy of the filing to the employee, group of employees, individual, or employee organization that filed the petition.

(ii) A hearing shall be held before the Board pursuant to subdivision (d)(1)(B) of this section in the event the employer challenges the appropriateness of the proposed bargaining unit, provided that a hearing shall not be held if the parties stipulate to the composition of the appropriate bargaining unit and resolve any other unit determination issues before the hearing.

(iii) The Board may endeavor to informally mediate any dispute regarding the appropriateness of the proposed bargaining unit prior to the hearing.

(B)(i) Within five business days after receiving a copy of the petition, the employer shall file with the Board and the employee or group of employees, or the individual or employee organization purporting to act on their behalf, a list of the names and job titles of the employees in the proposed bargaining unit. To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(ii) An employee or group of employees, or any person purporting to act on their behalf, that is seeking to demonstrate that the current bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit shall not be entitled to obtain a list of the employees in the bargaining unit from the employer pursuant to this subdivision (a)(2)(B), but may obtain a list pursuant to subdivision (e)(3) of this section after the Board has investigated its petition and determined that a secret ballot election shall be conducted.

(iii) The list shall be kept confidential and shall be exempt from copying and inspection under the Public Records Act.

(b) The Board, a Board member thereof, or a person or persons designated by the Board shall investigate the petition, and do one of the following:

(1) Determine that the petition has made a sufficient showing of interest pursuant to subdivision (a)(1)(A) of this section.

~~(1)(2)(A) If it finds reasonable cause to believe that a question of unit determination or representation exists, an appropriate hearing shall be scheduled before the Board upon due notice. Written notice of the hearing shall be mailed by certified mail to the parties named in the petition not less than 14 calendar days before the hearing. the Board shall schedule a hearing to be held before the Board not more than ten business days after the petition was filed with the Board.~~

(B) Once scheduled, the date of the hearing shall not be subject to change except as provided pursuant to subdivision (e)(4) of this section.

(C) Hearing procedure and notification of the results thereof of the hearing shall be in accordance with rules ~~prescribed~~ adopted by the Board or, except that the parties shall only be permitted to submit posthearing briefs within not more than five days after the hearing if the parties mutually agree to do so or if the Board requests that the parties submit posthearing briefs.

(D) The Board shall issue its decision as soon as practicable and, in any event, not more than five business days after the hearing or the submission any posthearing briefs.

(2)(3) dismiss the petition, based upon the If the Board finds an absence of substantive evidence it shall dismiss the petition.

* * *

(e)(1) In determining the representation of municipal employees in a collective bargaining unit, the Board shall conduct a an election by secret ballot of the employees and certify the results to the interested parties and to the employer. The election shall be held not more than 23 business days after the petition is filed with the Board except as otherwise provided pursuant to subdivision (4) of this subsection.

(2) The original ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. No representative will be certified with less than a 51 percent affirmative vote of all votes cast. In the case where If it is asserted that the certified bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit and there is no attempt to seek the election of another employee organization or individual as bargaining representative, there shall be at least 51 percent negative vote of all votes cast to decertify the existing bargaining agent.

(3)(A) The employer shall file with the Board and the other parties a list of the employees in the bargaining unit within two business days after the Board determines that a secret ballot election shall be conducted.

(B) The list shall include, as appropriate, each employee's name, work location, shift, job classification, and contact information. As used in this subdivision (3), "contact information" includes an employee's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the employer is in possession of such information.

(C) To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(D) The list shall be:

(i) kept confidential by the Board and all of the parties; and

(ii) shall be exempt from copying and inspection under the Public Records Act.

(E) Failure to file the list within the time required pursuant to subdivision (A) of this subdivision (3) may be grounds for the Board to set

aside the results of the election if an objection is filed within the time required pursuant to the Board's rules.

(4) The Board may, upon the request of any party or on its own motion, extend any time period set forth in this subsection or in subsections (a) and (b) of this section for good cause, provided that the election shall be conducted, or, in the event of a mail ballot election, that ballots are mailed to the employees, within not more than 60 calendar days after the date the petition is filed pursuant to subsection (c) of this section. The Board may further extend the date to conduct the election by not more than 30 additional calendar days upon the mutual agreement of the parties or if it determines that extraordinary circumstances have made such an extension necessary.

* * *

Senate Proposal of Amendment

H. 674

An act relating to the definition of housesite for use value appraisals

The Senate proposes to the House to amend the bill by striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 2. 32 V.S.A. § 3755(g) is added to read:

(g) Any applicant for a use value appraisal or any beneficiary of a use value appraisal must be in good standing with the Department of Taxes pursuant to subsection 3113(g) of this title.

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2021.

(For text see House Journal February 19, 2020)

Senate Proposal of Amendment

H. 969

An act relating to making appropriations for the support of government

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

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2021 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2021. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those that can be supported by funds appropriated in this act or other acts passed prior to June 30, 2020. Agency and department heads are directed to implement staffing and service levels in fiscal year 2021 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serves as the primary source and reference for appropriations for fiscal year 2021.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.

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

Sec. A.102.1 RELATIONSHIP WITH 2020 ACTS AND RESOLVES NO. 120; REPEALS

(a) In order to respond promptly to the impact of the COVID-19 pandemic on the State of Vermont and its economy, the General Assembly enacted 2020 Acts and Resolves No. 120 in July 2020 to support the operations of State government during the first quarter of fiscal year 2021. Since that time, it has become apparent that it is preferable to enact appropriations to support the operations of State government for the entirety of fiscal year 2021, and certain appropriations from 2020 Acts and Resolves No. 120 must be repealed as set forth in subsection (b) of this section in order to provide for the full-year appropriations.

(b) The following are repealed:

(1) 2020 Acts and Resolves No. 120, Sec. A.3(a) (appropriations for the first quarter of fiscal year 2021);

(2) 2020 Acts and Resolves No. 120, Sec. A.4 (Phase I prorated appropriations fiscal year 2021 first quarter);

(3) the language following 2020 Acts and Resolves No. 120, Sec. A.6 but preceding Sec. A.7 (budgetary specifications and amounts); and

(4) 2020 Acts and Resolves No. 120, Sec. A.54(b) (narrative portions apply only to first quarter of fiscal year 2021).

(c) In the event of a conflict between the provisions of this act and the provisions of 2020 Acts and Resolves No. 120, the provisions of this act shall control.

Sec. A.103 DEFINITIONS

(a) As used in this act:

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

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

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

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

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

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

Sec. A.105 OFFSETTING APPROPRIATIONS

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

Sec. A.106 FEDERAL FUNDS

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

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

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(a)(11), shall not be increased during fiscal year 2021 except for new positions authorized by the 2020 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriations of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations or government functions, or both. The function areas by section numbers are as follows:

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>

<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community Development</u>
<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>
<u>B.1000–B.1099 and E.1000–E.1099</u>	<u>Debt Service</u>
<u>B.1100–B.1199 and E.1100–E.1199</u>	<u>One-time and other appropriation actions</u>

(b) The D sections contain fund transfers and reserve allocations for the upcoming budget year, the F section contains legislative intent for Pay Act, and the G section amends the Transportation Bill.

Sec. B.100 Secretary of administration - secretary's office

Personal services	1,161,363
Operating expenses	<u>222,403</u>
Total	1,383,766
Source of funds	
General fund	862,455
Special funds	169,000
Internal service funds	173,452
Interdepartmental transfers	<u>178,859</u>
Total	1,383,766

Sec. B.101 Secretary of administration - finance

Personal services	1,174,127
Operating expenses	<u>138,555</u>
Total	1,312,682
Source of funds	
Interdepartmental transfers	<u>1,312,682</u>
Total	1,312,682

Sec. B.102 Secretary of administration - workers' compensation insurance

Personal services	592,195
Operating expenses	<u>70,531</u>
Total	662,726
Source of funds	
Internal service funds	<u>662,726</u>
Total	662,726

Sec. B.103 Secretary of administration - general liability insurance

Personal services	582,921
Operating expenses	<u>40,556</u>
Total	623,477
Source of funds	
Internal service funds	<u>623,477</u>
Total	623,477

Sec. B.104 Secretary of administration - all other insurance

Operating expenses	<u>20,901</u>
Total	20,901
Source of funds	
Internal service funds	<u>20,901</u>
Total	20,901

Sec. B.105 Agency of digital services - communications and information technology

Personal services	54,916,361
Operating expenses	<u>26,310,083</u>
Total	81,226,444
Source of funds	
General fund	174,342
Special funds	387,710
Internal service funds	<u>80,664,392</u>
Total	81,226,444

Sec. B.106 Finance and management - budget and management

Personal services	1,566,326
Operating expenses	<u>334,033</u>
Total	1,900,359
Source of funds	
General fund	1,284,367
Internal service funds	<u>615,992</u>
Total	1,900,359

Sec. B.107 Finance and management - financial operations

Personal services	2,045,137
Operating expenses	<u>806,670</u>
Total	2,851,807
Source of funds	
Internal service funds	<u>2,851,807</u>
Total	2,851,807

Sec. B.108 Human resources - operations

Personal services	8,314,246
Operating expenses	<u>1,294,899</u>
Total	9,609,145
Source of funds	
General fund	1,934,763
Special funds	263,589
Internal service funds	6,595,152
Interdepartmental transfers	<u>815,641</u>
Total	9,609,145

Sec. B.108.1 Human resources - VTHR operations

Personal services	1,881,896
Operating expenses	<u>857,885</u>
Total	2,739,781
Source of funds	
Internal service funds	<u>2,739,781</u>
Total	2,739,781

Sec. B.109 Human resources - employee benefits & wellness

Personal services	956,824
Operating expenses	<u>599,505</u>
Total	1,556,329
Source of funds	
Internal service funds	<u>1,556,329</u>
Total	1,556,329

Sec. B.110 Libraries

Personal services	2,034,994
Operating expenses	1,125,460
Grants	<u>207,510</u>
Total	3,367,964
Source of funds	
General fund	2,007,822
Special funds	107,828
Federal funds	1,153,855
Interdepartmental transfers	<u>98,459</u>
Total	3,367,964

Sec. B.111 Tax - administration/collection

Personal services	16,057,851
Operating expenses	<u>5,969,247</u>

Total	22,027,098
Source of funds	
General fund	19,989,515
Special funds	1,680,474
Federal Coronavirus Relief Fund	323,000
Interdepartmental transfers	<u>34,109</u>
Total	22,027,098
Sec. B.112 Buildings and general services - administration	
Personal services	705,098
Operating expenses	<u>113,692</u>
Total	818,790
Source of funds	
Interdepartmental transfers	<u>818,790</u>
Total	818,790
Sec. B.113 Buildings and general services - engineering	
Personal services	2,634,238
Operating expenses	<u>1,481,665</u>
Total	4,115,903
Source of funds	
Interdepartmental transfers	<u>4,115,903</u>
Total	4,115,903
Sec. B.114 Buildings and general services - information centers	
Personal services	3,351,401
Operating expenses	<u>2,024,480</u>
Total	5,375,881
Source of funds	
General fund	630,652
Transportation fund	3,911,594
Special funds	473,635
Federal Coronavirus Relief Fund	<u>360,000</u>
Total	5,375,881
Sec. B.115 Buildings and general services - purchasing	
Personal services	1,156,061
Operating expenses	<u>182,508</u>
Total	1,338,569
Source of funds	
General fund	1,240,679
Interdepartmental transfers	<u>97,890</u>

Total	1,338,569
Sec. B.116 Buildings and general services - postal services	
Personal services	719,120
Operating expenses	<u>205,867</u>
Total	924,987
Source of funds	
General fund	82,511
Internal service funds	<u>842,476</u>
Total	924,987
Sec. B.117 Buildings and general services - copy center	
Personal services	795,615
Operating expenses	<u>141,332</u>
Total	936,947
Source of funds	
Internal service funds	<u>936,947</u>
Total	936,947
Sec. B.118 Buildings and general services - fleet management services	
Personal services	730,622
Operating expenses	<u>205,336</u>
Total	935,958
Source of funds	
Internal service funds	<u>935,958</u>
Total	935,958
Sec. B.119 Buildings and general services - federal surplus property	
Operating expenses	<u>6,840</u>
Total	6,840
Source of funds	
Enterprise funds	<u>6,840</u>
Total	6,840
Sec. B.120 Buildings and general services - state surplus property	
Personal services	307,143
Operating expenses	<u>120,366</u>
Total	427,509
Source of funds	
Internal service funds	<u>427,509</u>
Total	427,509
Sec. B.121 Buildings and general services - property management	

Personal services	1,312,169
Operating expenses	<u>2,044,693</u>
Total	3,356,862
Source of funds	
Federal Coronavirus Relief Fund	1,583,332
Internal service funds	<u>1,773,530</u>
Total	3,356,862
Sec. B.122 Buildings and general services - fee for space	
Personal services	16,527,274
Operating expenses	<u>14,546,673</u>
Total	31,073,947
Source of funds	
Federal Coronavirus Relief Fund	1,508,433
Internal service funds	<u>29,565,514</u>
Total	31,073,947
Sec. B.124 Executive office - governor's office	
Personal services	1,416,509
Operating expenses	<u>438,761</u>
Total	1,855,270
Source of funds	
General fund	1,657,770
Interdepartmental transfers	<u>197,500</u>
Total	1,855,270
Sec. B.125 Legislative counsel	
Personal services	2,992,514
Operating expenses	<u>195,019</u>
Total	3,187,533
Source of funds	
General fund	<u>3,187,533</u>
Total	3,187,533
Sec. B.126 Legislature	
Personal services	4,920,731
Operating expenses	<u>3,770,358</u>
Total	8,691,089
Source of funds	
General fund	<u>8,691,089</u>
Total	8,691,089
Sec. B.126.1 Legislative information technology	

Personal services	821,918
Operating expenses	<u>597,901</u>
Total	1,419,819
Source of funds	
General fund	<u>1,419,819</u>
Total	1,419,819
Sec. B.127 Joint fiscal committee	
Personal services	1,938,162
Operating expenses	<u>155,608</u>
Total	2,093,770
Source of funds	
General fund	<u>2,093,770</u>
Total	2,093,770
Sec. B.128 Sergeant at arms	
Personal services	844,931
Operating expenses	<u>106,888</u>
Total	951,819
Source of funds	
General fund	<u>951,819</u>
Total	951,819
Sec. B.129 Lieutenant governor	
Personal services	232,147
Operating expenses	<u>31,744</u>
Total	263,891
Source of funds	
General fund	<u>263,891</u>
Total	263,891
Sec. B.130 Auditor of accounts	
Personal services	3,450,125
Operating expenses	<u>132,055</u>
Total	3,582,180
Source of funds	
General fund	314,921
Special funds	53,145
Internal service funds	<u>3,214,114</u>
Total	3,582,180
Sec. B.131 State treasurer	

Personal services	3,922,112
Operating expenses	<u>215,303</u>
Total	4,137,415
Source of funds	
General fund	975,600
Special funds	3,021,695
Interdepartmental transfers	<u>140,120</u>
Total	4,137,415
Sec. B.132 State treasurer - unclaimed property	
Personal services	722,425
Operating expenses	<u>412,394</u>
Total	1,134,819
Source of funds	
Private purpose trust funds	<u>1,134,819</u>
Total	1,134,819
Sec. B.133 Vermont state retirement system	
Personal services	4,221,259
Operating expenses	<u>1,451,382</u>
Total	5,672,641
Source of funds	
Pension trust funds	<u>5,672,641</u>
Total	5,672,641
Sec. B.134 Municipal employees' retirement system	
Personal services	1,669,165
Operating expenses	<u>929,754</u>
Total	2,598,919
Source of funds	
Pension trust funds	<u>2,598,919</u>
Total	2,598,919
Sec. B.135 State labor relations board	
Personal services	243,590
Operating expenses	<u>52,873</u>
Total	296,463
Source of funds	
General fund	286,887
Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	296,463

Sec. B.136 VOSHA review board

Personal services	77,400
Operating expenses	<u>13,899</u>
Total	91,299
Source of funds	
General fund	45,650
Interdepartmental transfers	<u>45,649</u>
Total	91,299

Sec. B.136.1 Ethics Commission

Personal services	85,030
Operating expenses	<u>28,287</u>
Total	113,317
Source of funds	
Internal service funds	<u>113,317</u>
Total	113,317

Sec. B.137 Homeowner rebate

Grants	<u>17,100,000</u>
Total	17,100,000
Source of funds	
General fund	<u>17,100,000</u>
Total	17,100,000

Sec. B.138 Renter rebate

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

Sec. B.139 Tax department - reappraisal and listing payments

Grants	<u>3,310,000</u>
Total	3,310,000
Source of funds	
General fund	<u>3,310,000</u>
Total	3,310,000

Sec. B.140 Municipal current use

Grants	<u>16,985,000</u>
Total	16,985,000
Source of funds	

General fund	<u>16,985,000</u>
Total	16,985,000
Sec. B.142 Payments in lieu of taxes	
Grants	<u>9,250,000</u>
Total	9,250,000
Source of funds	
Special funds	<u>9,250,000</u>
Total	9,250,000
Sec. B.143 Payments in lieu of taxes - Montpelier	
Grants	<u>184,000</u>
Total	184,000
Source of funds	
Special funds	<u>184,000</u>
Total	184,000
Sec. B.144 Payments in lieu of taxes - correctional facilities	
Grants	<u>40,000</u>
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000
Sec. B.145 Total general government	
Source of funds	
General fund	94,990,855
Transportation fund	3,911,594
Special funds	15,637,864
Federal Coronavirus Relief Fund	3,774,765
Federal funds	1,153,855
Internal service funds	134,313,374
Interdepartmental transfers	7,858,390
Enterprise funds	6,840
Pension trust funds	8,271,560
Private purpose trust funds	<u>1,134,819</u>
Total	271,053,916
Sec. B.200 Attorney general	
Personal services	11,024,159
Operating expenses	1,501,091
Grants	<u>26,500</u>

Total	12,551,750
Source of funds	
General fund	5,622,679
Special funds	1,889,888
Tobacco fund	348,000
Federal Coronavirus Relief Fund	65,000
Federal funds	1,427,372
Interdepartmental transfers	<u>3,198,811</u>
Total	12,551,750
Sec. B.201 Vermont court diversion	
Personal services	<u>2,892,018</u>
Total	2,892,018
Source of funds	
General fund	2,634,021
Special funds	<u>257,997</u>
Total	2,892,018
Sec. B.202 Defender general - public defense	
Personal services	12,545,480
Operating expenses	<u>1,238,697</u>
Total	13,784,177
Source of funds	
General fund	13,194,524
Special funds	<u>589,653</u>
Total	13,784,177
Sec. B.203 Defender general - assigned counsel	
Personal services	5,624,532
Operating expenses	<u>49,819</u>
Total	5,674,351
Source of funds	
General fund	<u>5,674,351</u>
Total	5,674,351
Sec. B.204 Judiciary	
Personal services	42,721,022
Operating expenses	10,250,953
Grants	<u>121,030</u>
Total	53,093,005
Source of funds	
General fund	46,927,245

Special funds	3,182,775
Federal funds	887,586
Interdepartmental transfers	<u>2,095,399</u>
Total	53,093,005
Sec. B.205 State's attorneys	
Personal services	14,153,831
Operating expenses	<u>1,887,257</u>
Total	16,041,088
Source of funds	
General fund	13,075,933
Special funds	75,502
Federal funds	232,812
Interdepartmental transfers	<u>2,656,841</u>
Total	16,041,088
Sec. B.206 Special investigative unit	
Personal services	91,700
Grants	<u>2,008,730</u>
Total	2,100,430
Source of funds	
General fund	<u>2,100,430</u>
Total	2,100,430
Sec. B.207 Sheriffs	
Personal services	4,207,301
Operating expenses	<u>427,938</u>
Total	4,635,239
Source of funds	
General fund	<u>4,635,239</u>
Total	4,635,239
Sec. B.208 Public safety - administration	
Personal services	3,814,172
Operating expenses	5,170,877
Grants	<u>200,000</u>
Total	9,185,049
Source of funds	
General fund	5,115,145
Special funds	5,000
Federal funds	567,444
Interdepartmental transfers	<u>3,497,460</u>

Total	9,185,049
Sec. B.209 Public safety - state police	
Personal services	59,804,906
Operating expenses	11,932,334
Grants	<u>1,693,707</u>
Total	73,430,947
Source of funds	
General fund	28,156,891
Transportation fund	13,350,000
Special funds	3,145,278
Federal Coronavirus Relief Fund	21,790,000
Federal funds	5,023,746
Interdepartmental transfers	<u>1,965,032</u>
Total	73,430,947
Sec. B.210 Public safety - criminal justice services	
Personal services	4,408,296
Operating expenses	<u>1,736,361</u>
Total	6,144,657
Source of funds	
General fund	1,875,235
Special funds	3,422,917
Federal funds	<u>846,505</u>
Total	6,144,657
Sec. B.211 Public safety - emergency management	
Personal services	3,348,216
Operating expenses	1,058,257
Grants	<u>6,837,088</u>
Total	11,243,561
Source of funds	
General fund	591,482
Special funds	710,000
Federal funds	<u>9,942,079</u>
Total	11,243,561
Sec. B.212 Public safety - fire safety	
Personal services	6,758,594
Operating expenses	2,709,174
Grants	<u>107,000</u>
Total	9,574,768

Source of funds	
General fund	471,233
Special funds	8,578,330
Federal funds	480,205
Interdepartmental transfers	<u>45,000</u>
Total	9,574,768
Sec. B.213 Public safety - Forensic Laboratory	
Personal services	3,062,738
Operating expenses	<u>1,153,797</u>
Total	4,216,535
Source of funds	
General fund	3,230,986
Special funds	77,518
Federal funds	534,594
Interdepartmental transfers	<u>373,437</u>
Total	4,216,535
Sec. B.215 Military - administration	
Personal services	824,691
Operating expenses	581,182
Grants	<u>1,362,806</u>
Total	2,768,679
Source of funds	
General fund	2,696,229
Federal Coronavirus Relief Fund	<u>72,450</u>
Total	2,768,679
Sec. B.216 Military - air service contract	
Personal services	6,685,435
Operating expenses	<u>687,491</u>
Total	7,372,926
Source of funds	
General fund	573,198
Federal funds	<u>6,799,728</u>
Total	7,372,926
Sec. B.217 Military - army service contract	
Personal services	36,209,910
Operating expenses	<u>7,480,579</u>
Total	43,690,489
Source of funds	

Federal funds	<u>43,690,489</u>
Total	43,690,489
Sec. B.218 Military - building maintenance	
Personal services	857,530
Operating expenses	<u>732,049</u>
Total	1,589,579
Source of funds	
General fund	1,527,079
Special funds	<u>62,500</u>
Total	1,589,579
Sec. B.219 Military - veterans' affairs	
Personal services	862,936
Operating expenses	154,087
Grants	<u>51,280</u>
Total	1,068,303
Source of funds	
General fund	817,206
Special funds	151,512
Federal funds	<u>99,585</u>
Total	1,068,303
Sec. B.220 Center for crime victim services	
Personal services	2,167,869
Operating expenses	406,178
Grants	<u>11,185,424</u>
Total	13,759,471
Source of funds	
General fund	1,232,712
Special funds	5,354,316
Federal funds	<u>7,172,443</u>
Total	13,759,471
Sec. B.221 Criminal justice training council	
Personal services	1,564,725
Operating expenses	<u>1,342,981</u>
Total	2,907,706
Source of funds	
General fund	2,609,420
Federal Coronavirus Relief Fund	13,000
Interdepartmental transfers	<u>285,286</u>

Total	2,907,706
Sec. B.222 Agriculture, food and markets - administration	
Personal services	1,811,267
Operating expenses	424,512
Grants	<u>257,972</u>
Total	2,493,751
Source of funds	
General fund	972,156
Special funds	886,366
Federal Coronavirus Relief Fund	209,162
Federal funds	<u>426,067</u>
Total	2,493,751
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	4,240,533
Operating expenses	727,159
Grants	<u>2,750,000</u>
Total	7,717,692
Source of funds	
General fund	2,859,758
Special funds	3,608,289
Federal Coronavirus Relief Fund	120,560
Federal funds	1,122,085
Interdepartmental transfers	<u>7,000</u>
Total	7,717,692
Sec. B.224 Agriculture, food and markets - agricultural development	
Personal services	2,488,190
Operating expenses	1,086,519
Grants	<u>1,394,875</u>
Total	4,969,584
Source of funds	
General fund	1,922,062
Special funds	706,100
Federal Coronavirus Relief Fund	683,806
Federal funds	<u>1,657,616</u>
Total	4,969,584
Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship	

Personal services	2,795,230
Operating expenses	612,025
Grants	<u>295,334</u>
Total	3,702,589
Source of funds	
General fund	780,733
Special funds	2,027,250
Federal Coronavirus Relief Fund	122,758
Federal funds	492,242
Interdepartmental transfers	<u>279,606</u>
Total	3,702,589

Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab

Personal services	1,653,896
Operating expenses	<u>976,775</u>
Total	2,630,671
Source of funds	
General fund	877,641
Special funds	1,613,587
Federal Coronavirus Relief Fund	74,414
Interdepartmental transfers	<u>65,029</u>
Total	2,630,671

Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,498,888
Operating expenses	506,209
Grants	<u>3,097,498</u>
Total	7,102,595
Source of funds	
General fund	1,212,113
Special funds	4,987,335
Federal Coronavirus Relief Fund	300,014
Federal funds	131,927
Interdepartmental transfers	<u>471,206</u>
Total	7,102,595

Sec. B.226 Financial regulation - administration

Personal services	2,076,246
Operating expenses	<u>287,859</u>
Total	2,364,105
Source of funds	

Special funds	<u>2,364,105</u>
Total	2,364,105
Sec. B.227 Financial regulation - banking	
Personal services	1,906,394
Operating expenses	<u>437,356</u>
Total	2,343,750
Source of funds	
Special funds	<u>2,343,750</u>
Total	2,343,750
Sec. B.228 Financial regulation - insurance	
Personal services	4,138,090
Operating expenses	<u>601,092</u>
Total	4,739,182
Source of funds	
Special funds	<u>4,739,182</u>
Total	4,739,182
Sec. B.229 Financial regulation - captive insurance	
Personal services	4,593,766
Operating expenses	<u>632,506</u>
Total	5,226,272
Source of funds	
Special funds	<u>5,226,272</u>
Total	5,226,272
Sec. B.230 Financial regulation - securities	
Personal services	1,072,526
Operating expenses	<u>258,031</u>
Total	1,330,557
Source of funds	
Special funds	<u>1,330,557</u>
Total	1,330,557
Sec. B.232 Secretary of state	
Personal services	10,076,918
Operating expenses	<u>3,008,151</u>
Total	13,085,069
Source of funds	
Special funds	11,754,833
Federal funds	<u>1,330,236</u>

Total	13,085,069
Sec. B.233 Public service - regulation and energy	
Personal services	10,344,756
Operating expenses	1,140,012
Grants	<u>1,339,181</u>
Total	12,823,949
Source of funds	
Special funds	11,366,409
Federal funds	652,800
ARRA funds	600,000
Interdepartmental transfers	150,000
Enterprise funds	<u>54,740</u>
Total	12,823,949
Sec. B.234 Public utility commission	
Personal services	3,421,027
Operating expenses	<u>483,432</u>
Total	3,904,459
Source of funds	
Special funds	<u>3,904,459</u>
Total	3,904,459
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	4,290,478
Operating expenses	<u>517,948</u>
Total	4,808,426
Source of funds	
Special funds	<u>4,808,426</u>
Total	4,808,426
Sec. B.236 Human rights commission	
Personal services	632,351
Operating expenses	<u>79,278</u>
Total	711,629
Source of funds	
General fund	637,188
Federal funds	<u>74,441</u>
Total	711,629
Sec. B.236.1 Liquor & Lottery Comm. Office	
Personal services	409,198

Operating expenses	<u>8,550</u>
Total	417,748
Source of funds	
Enterprise funds	<u>417,748</u>
Total	417,748
Sec. B.236.2 Lottery Operations	
Personal services	1,953,634
Operating expenses	1,423,556
Grants	<u>250,000</u>
Total	3,627,190
Source of funds	
Enterprise funds	<u>3,627,190</u>
Total	3,627,190
Sec. B.237 Liquor control - administration	
Personal services	3,792,370
Operating expenses	<u>1,267,339</u>
Total	5,059,709
Source of funds	
Tobacco fund	213,843
Enterprise funds	<u>4,845,866</u>
Total	5,059,709
Sec. B.238 Liquor control - enforcement and licensing	
Personal services	1,953,092
Operating expenses	<u>465,104</u>
Total	2,418,196
Source of funds	
Federal funds	184,484
Enterprise funds	<u>2,233,712</u>
Total	2,418,196
Sec. B.239 Liquor control - warehousing and distribution	
Personal services	1,131,461
Operating expenses	<u>486,434</u>
Total	1,617,895
Source of funds	
Enterprise funds	<u>1,617,895</u>
Total	1,617,895
Sec. B.240 Total protection to persons and property	

Source of funds	
General fund	152,022,889
Transportation fund	13,350,000
Special funds	89,170,106
Tobacco fund	561,843
Federal Coronavirus Relief Fund	23,451,164
Federal funds	83,776,486
ARRA funds	600,000
Interdepartmental transfers	15,090,107
Enterprise funds	<u>12,797,151</u>
Total	390,819,746

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	11,121,179
Operating expenses	5,183,112
Grants	<u>8,818,674</u>
Total	25,122,965

Source of funds	
General fund	14,043,208
Special funds	135,517
Federal funds	9,910,637
Global Commitment fund	453,000
Interdepartmental transfers	<u>580,603</u>
Total	25,122,965

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

Grants	<u>1,623,904,822</u>
Total	1,623,904,822

Source of funds	
General fund	522,372,868
Special funds	32,293,557
Tobacco fund	21,049,373
State health care resources fund	17,078,501
Federal funds	1,020,542,541
Interdepartmental transfers	<u>10,567,982</u>
Total	1,623,904,822

Sec. B.303 Developmental disabilities council

Personal services	379,199
Operating expenses	95,146
Grants	<u>191,595</u>
Total	665,940

Source of funds	
Special funds	12,000
Federal funds	<u>653,940</u>
Total	665,940
Sec. B.304 Human services board	
Personal services	739,318
Operating expenses	<u>89,159</u>
Total	828,477
Source of funds	
General fund	474,716
Federal funds	<u>353,761</u>
Total	828,477
Sec. B.305 AHS - administrative fund	
Personal services	330,000
Operating expenses	<u>10,170,000</u>
Total	10,500,000
Source of funds	
Interdepartmental transfers	<u>10,500,000</u>
Total	10,500,000
Sec. B.306 Department of Vermont health access - administration	
Personal services	129,834,613
Operating expenses	26,285,655
Grants	<u>5,192,301</u>
Total	161,312,569
Source of funds	
General fund	32,314,433
Special funds	3,378,509
Federal funds	116,496,036
Global Commitment fund	4,330,710
Interdepartmental transfers	<u>4,792,881</u>
Total	161,312,569
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Personal services	547,983
Grants	<u>726,492,200</u>
Total	727,040,183
Source of funds	
Global Commitment fund	<u>727,040,183</u>

Total	727,040,183
Sec. B.309 Department of Vermont health access - Medicaid program - state only	
Grants	<u>51,417,964</u>
Total	51,417,964
Source of funds	
General fund	39,365,706
Global Commitment fund	<u>12,052,258</u>
Total	51,417,964
Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched	
Grants	<u>33,096,001</u>
Total	33,096,001
Source of funds	
General fund	12,164,088
Federal funds	<u>20,931,913</u>
Total	33,096,001
Sec. B.311 Health - administration and support	
Personal services	5,618,392
Operating expenses	6,355,826
Grants	<u>4,040,881</u>
Total	16,015,099
Source of funds	
General fund	2,704,133
Special funds	2,041,597
Federal Coronavirus Relief Fund	1,000,000
Federal funds	7,493,305
Global Commitment fund	2,681,102
Interdepartmental transfers	<u>94,962</u>
Total	16,015,099
Sec. B.312 Health - public health	
Personal services	46,668,668
Operating expenses	10,183,898
Grants	<u>36,833,198</u>
Total	93,685,764
Source of funds	
General fund	10,325,430
Special funds	18,763,637

Tobacco fund	1,088,918
Federal Coronavirus Relief Fund	1,650,000
Federal funds	47,328,052
Global Commitment fund	13,264,921
Interdepartmental transfers	1,239,806
Permanent trust funds	<u>25,000</u>
Total	93,685,764

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

Personal services	4,999,801
Operating expenses	442,000
Grants	48,713,374
Total	54,155,175
Source of funds	
General fund	1,234,338
Special funds	1,281,066
Tobacco fund	949,917
Federal funds	18,491,664
Global Commitment fund	<u>32,198,190</u>
Total	54,155,175

Sec. B.314 Mental health - mental health

Personal services	32,711,706
Operating expenses	4,574,758
Grants	<u>240,423,028</u>
Total	277,709,492
Source of funds	
General fund	8,869,021
Special funds	1,686,673
Federal Coronavirus Relief Fund	737,104
Federal funds	11,127,574
Global Commitment fund	253,591,013
Interdepartmental transfers	<u>1,698,107</u>
Total	277,709,492

Sec. B.316 Department for children and families - administration & support services

Personal services	37,989,806
Operating expenses	16,737,674
Grants	<u>3,739,106</u>
Total	58,466,586
Source of funds	

General fund	32,556,013
Special funds	2,708,800
Federal funds	20,975,521
Global Commitment fund	2,005,816
Interdepartmental transfers	<u>220,436</u>
Total	58,466,586

Sec. B.317 Department for children and families - family services

Personal services	38,776,869
Operating expenses	5,069,385
Grants	<u>78,055,766</u>
Total	121,902,020
Source of funds	
General fund	43,478,598
Special funds	729,587
Federal funds	32,002,165
Global Commitment fund	45,579,021
Interdepartmental transfers	<u>112,649</u>
Total	121,902,020

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

Personal services	4,612,052
Operating expenses	862,982
Grants	<u>82,319,977</u>
Total	87,795,011
Source of funds	
General fund	25,392,931
Special funds	16,820,000
Tobacco fund	2,000,000
Federal funds	33,551,078
Global Commitment fund	10,008,502
Interdepartmental transfers	<u>22,500</u>
Total	87,795,011

Sec. B.319 Department for children and families - office of child support

Personal services	11,107,221
Operating expenses	<u>3,568,636</u>
Total	14,675,857
Source of funds	
General fund	4,392,533
Special funds	455,719
Federal funds	9,440,005

Interdepartmental transfers	<u>387,600</u>
Total	14,675,857
Sec. B.320 Department for children and families - aid to aged, blind and disabled	
Personal services	2,252,206
Grants	<u>10,298,023</u>
Total	12,550,229
Source of funds	
General fund	8,649,899
Global Commitment fund	<u>3,900,330</u>
Total	12,550,229
Sec. B.321 Department for children and families - general assistance	
Personal services	15,000
Grants	<u>8,981,574</u>
Total	8,996,574
Source of funds	
General fund	8,599,239
Federal funds	111,320
Global Commitment fund	<u>286,015</u>
Total	8,996,574
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	<u>29,827,906</u>
Total	29,827,906
Source of funds	
Federal funds	<u>29,827,906</u>
Total	29,827,906
Sec. B.323 Department for children and families - reach up	
Operating expenses	48,524
Grants	<u>39,867,197</u>
Total	39,915,721
Source of funds	
General fund	22,361,264
Special funds	6,133,482
Federal Coronavirus Relief Fund	5,197,333
Federal funds	3,542,024
Global Commitment fund	<u>2,681,618</u>
Total	39,915,721

Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP

Grants	<u>16,019,953</u>
Total	16,019,953
Source of funds	
Special funds	1,480,395
Federal funds	<u>14,539,558</u>
Total	16,019,953

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

Personal services	534,250
Operating expenses	44,078
Grants	<u>10,566,655</u>
Total	11,144,983
Source of funds	
General fund	5,307,854
Special funds	57,990
Federal funds	4,423,154
Global Commitment fund	<u>1,355,985</u>
Total	11,144,983

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	335,094
Operating expenses	45,269
Grants	<u>12,038,018</u>
Total	12,418,381
Source of funds	
Special funds	7,601,113
Federal funds	<u>4,817,268</u>
Total	12,418,381

Sec. B.327 Department for children and families - Woodside rehabilitation center

Personal services	3,928,957
Operating expenses	<u>675,455</u>
Total	4,604,412
Source of funds	
General fund	4,507,412
Interdepartmental transfers	<u>97,000</u>

Total	4,604,412
Sec. B.328 Department for children and families - disability determination services	
Personal services	6,817,027
Operating expenses	<u>435,650</u>
Total	7,252,677
Source of funds	
General fund	108,854
Federal funds	<u>7,143,823</u>
Total	7,252,677
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	33,409,543
Operating expenses	<u>5,883,996</u>
Total	39,293,539
Source of funds	
General fund	17,410,292
Special funds	1,390,457
Federal funds	19,426,506
Interdepartmental transfers	<u>1,066,284</u>
Total	39,293,539
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>18,762,373</u>
Total	18,762,373
Source of funds	
General fund	7,441,442
Federal funds	7,148,466
Global Commitment fund	<u>4,172,465</u>
Total	18,762,373
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	<u>1,661,457</u>
Total	1,661,457
Source of funds	
General fund	389,154
Special funds	223,450
Federal funds	743,853

Global Commitment fund	<u>305,000</u>
Total	1,661,457
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>7,024,368</u>
Total	7,024,368
Source of funds	
General fund	1,371,845
Federal funds	4,402,523
Interdepartmental transfers	<u>1,250,000</u>
Total	7,024,368
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>234,832,050</u>
Total	234,832,050
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	234,256,605
Interdepartmental transfers	<u>45,000</u>
Total	234,832,050
Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver	
Grants	<u>5,152,980</u>
Total	5,152,980
Source of funds	
Global Commitment fund	<u>5,152,980</u>
Total	5,152,980
Sec. B.334.1 Disabilities, aging and independent living - Long Term Care	
Grants	<u>225,276,530</u>
Total	225,276,530
Source of funds	
General fund	498,579
Federal funds	2,083,333
Global Commitment fund	<u>222,694,618</u>
Total	225,276,530
Sec. B.335 Corrections - administration	

Personal services	3,061,285
Operating expenses	<u>238,644</u>
Total	3,299,929
Source of funds	
General fund	<u>3,299,929</u>
Total	3,299,929
Sec. B.336 Corrections - parole board	
Personal services	356,216
Operating expenses	<u>59,216</u>
Total	415,432
Source of funds	
General fund	<u>415,432</u>
Total	415,432
Sec. B.337 Corrections - correctional education	
Personal services	3,226,930
Operating expenses	<u>244,932</u>
Total	3,471,862
Source of funds	
General fund	3,323,078
Education fund	0
Interdepartmental transfers	<u>148,784</u>
Total	3,471,862
Sec. B.338 Corrections - correctional services	
Personal services	121,345,262
Operating expenses	23,059,297
Grants	<u>8,808,427</u>
Total	153,212,986
Source of funds	
General fund	141,146,389
Special funds	935,963
Federal Coronavirus Relief Fund	4,950,000
Federal funds	473,523
Global Commitment fund	5,310,796
Interdepartmental transfers	<u>396,315</u>
Total	153,212,986
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>5,640,604</u>
Total	5,640,604

Source of funds	
General fund	<u>5,640,604</u>
Total	5,640,604
Sec. B.340 Corrections - correctional facilities - recreation	
Personal services	426,705
Operating expenses	<u>455,845</u>
Total	882,550
Source of funds	
Special funds	<u>882,550</u>
Total	882,550
Sec. B.341 Corrections - Vermont offender work program	
Personal services	1,404,901
Operating expenses	<u>525,784</u>
Total	1,930,685
Source of funds	
Internal service funds	<u>1,930,685</u>
Total	1,930,685
Sec. B.342 Vermont veterans' home - care and support services	
Personal services	19,575,182
Operating expenses	<u>4,455,065</u>
Total	24,030,247
Source of funds	
General fund	2,858,379
Special funds	11,858,292
Federal funds	<u>9,313,576</u>
Total	24,030,247
Sec. B.343 Commission on women	
Personal services	338,188
Operating expenses	<u>64,568</u>
Total	402,756
Source of funds	
General fund	399,187
Special funds	<u>3,569</u>
Total	402,756
Sec. B.344 Retired senior volunteer program	
Grants	<u>146,564</u>
Total	146,564

Source of funds	
General fund	<u>146,564</u>
Total	146,564
Sec. B.345 Green Mountain Care Board	
Personal services	7,358,493
Operating expenses	<u>379,150</u>
Total	7,737,643
Source of funds	
General fund	3,094,435
Special funds	<u>4,643,208</u>
Total	7,737,643
Sec. B.346 Total human services	
Source of funds	
General fund	986,812,972
Special funds	115,532,594
Tobacco fund	25,088,208
State health care resources fund	17,078,501
Education fund	0
Federal Coronavirus Relief Fund	13,534,437
Federal funds	1,457,654,882
Global Commitment fund	1,583,321,128
Internal service funds	1,930,685
Interdepartmental transfers	33,220,909
Permanent trust funds	<u>25,000</u>
Total	4,234,199,316
Sec. B.400 Labor - programs	
Personal services	31,253,177
Operating expenses	10,214,693
Grants	<u>2,727,000</u>
Total	44,194,870
Source of funds	
General fund	4,898,964
Special funds	6,922,539
Federal funds	31,264,367
Interdepartmental transfers	<u>1,109,000</u>
Total	44,194,870
Sec. B.401 Total labor	
Source of funds	

General fund	4,898,964
Special funds	6,922,539
Federal funds	31,264,367
Interdepartmental transfers	<u>1,109,000</u>
Total	44,194,870
Sec. B.500 Education - finance and administration	
Personal services	13,278,166
Operating expenses	3,979,764
Grants	<u>16,770,700</u>
Total	34,028,630
Source of funds	
General fund	5,388,716
Special funds	18,290,009
Education fund	3,375,307
Federal funds	6,132,426
Global Commitment fund	260,000
Interdepartmental transfers	<u>582,172</u>
Total	34,028,630
Sec. B.501 Education - education services	
Personal services	12,205,290
Operating expenses	1,073,385
Grants	<u>124,979,229</u>
Total	138,257,904
Source of funds	
General fund	4,593,768
Special funds	2,844,721
Tobacco fund	750,388
Federal funds	<u>130,069,027</u>
Total	138,257,904
Sec. B.502 Education - special education: formula grants	
Grants	<u>223,718,575</u>
Total	223,718,575
Source of funds	
Education fund	<u>223,718,575</u>
Total	223,718,575
Sec. B.503 Education - state-placed students	
Grants	<u>18,000,000</u>
Total	18,000,000

Source of funds	
Education fund	<u>18,000,000</u>
Total	18,000,000
Sec. B.504 Education - adult education and literacy	
Grants	<u>4,262,900</u>
Total	4,262,900
Source of funds	
General fund	3,496,850
Federal funds	<u>766,050</u>
Total	4,262,900
Sec. B.504.1 Education - Flexible Pathways	
Grants	<u>9,225,450</u>
Total	9,225,450
Source of funds	
General fund	962,725
Education fund	<u>8,262,725</u>
Total	9,225,450
Sec. B.505 Education - adjusted education payment	
Grants	<u>1,489,500,000</u>
Total	1,489,500,000
Source of funds	
Education fund	<u>1,489,500,000</u>
Total	1,489,500,000
Sec. B.506 Education - transportation	
Grants	<u>20,459,000</u>
Total	20,459,000
Source of funds	
Education fund	<u>20,459,000</u>
Total	20,459,000
Sec. B.507 Education - small school grants	
Grants	<u>8,200,000</u>
Total	8,200,000
Source of funds	
Education fund	<u>8,200,000</u>
Total	8,200,000
Sec. B.510 Education - essential early education grant	

Grants	<u>7,044,052</u>
Total	7,044,052
Source of funds	
Education fund	<u>7,044,052</u>
Total	7,044,052
Sec. B.511 Education - technical education	
Grants	<u>14,816,000</u>
Total	14,816,000
Source of funds	
Education fund	<u>14,816,000</u>
Total	14,816,000
Sec. B.511.1 State Board of Education	
Personal services	38,905
Operating expenses	<u>31,803</u>
Total	70,708
Source of funds	
General fund	<u>70,708</u>
Total	70,708
Sec. B.514 State teachers' retirement system	
Grants	<u>125,894,201</u>
Total	125,894,201
Source of funds	
General fund	119,013,146
Education fund	<u>6,881,055</u>
Total	125,894,201
Sec. B.514.1 State teachers' retirement system administration	
Personal services	4,261,124
Operating expenses	<u>1,668,671</u>
Total	5,929,795
Source of funds	
Pension trust funds	<u>5,929,795</u>
Total	5,929,795
Sec. B.515 Retired teachers' health care and medical benefits	
Grants	<u>31,798,734</u>
Total	31,798,734
Source of funds	
General fund	<u>31,798,734</u>

Total	31,798,734
Sec. B.516 Total general education	
Source of funds	
General fund	165,324,647
Special funds	21,134,730
Tobacco fund	750,388
Education fund	1,800,256,714
Federal funds	136,967,503
Global Commitment fund	260,000
Interdepartmental transfers	582,172
Pension trust funds	<u>5,929,795</u>
Total	2,131,205,949
Sec. B.600 University of Vermont	
Grants	<u>42,509,093</u>
Total	42,509,093
Source of funds	
General fund	41,840,842
Global Commitment fund	<u>668,251</u>
Total	42,509,093
Sec. B.602 Vermont state colleges	
Grants	<u>29,800,464</u>
Total	29,800,464
Source of funds	
General fund	<u>29,800,464</u>
Total	29,800,464
Sec. B.602.1 Vermont state colleges - Supplemental Aid	
Grants	<u>700,000</u>
Total	700,000
Source of funds	
General fund	<u>700,000</u>
Total	700,000
Sec. B.603 Vermont state colleges - allied health	
Grants	<u>1,157,775</u>
Total	1,157,775
Source of funds	
General fund	748,314
Global Commitment fund	<u>409,461</u>

Total	1,157,775
Sec. B.605 Vermont student assistance corporation	
Grants	<u>19,978,588</u>
Total	19,978,588
Source of funds	
General fund	<u>19,978,588</u>
Total	19,978,588
Sec. B.606 New England higher education compact	
Grants	<u>84,000</u>
Total	84,000
Source of funds	
General fund	<u>84,000</u>
Total	84,000
Sec. B.607 University of Vermont - Morgan Horse Farm	
Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1
Sec. B.608 Total higher education	
Source of funds	
General fund	93,152,209
Global Commitment fund	<u>1,077,712</u>
Total	94,229,921
Sec. B.700 Natural resources - agency of natural resources - administration	
Personal services	2,322,491
Operating expenses	<u>1,043,407</u>
Total	3,365,898
Source of funds	
General fund	2,684,594
Special funds	581,393
Interdepartmental transfers	<u>99,911</u>
Total	3,365,898
Sec. B.701 Natural resources - state land local property tax assessment	
Operating expenses	<u>2,575,277</u>
Total	2,575,277
Source of funds	

General fund	2,153,777
Interdepartmental transfers	<u>421,500</u>
Total	2,575,277
Sec. B.702 Fish and wildlife - support and field services	
Personal services	18,228,943
Operating expenses	7,048,001
Grants	<u>785,636</u>
Total	26,062,580
Source of funds	
General fund	6,506,744
Special funds	669,737
Fish and wildlife fund	9,099,448
Federal funds	8,611,533
Interdepartmental transfers	<u>1,175,118</u>
Total	26,062,580
Sec. B.703 Forests, parks and recreation - administration	
Personal services	994,125
Operating expenses	<u>1,160,549</u>
Total	2,154,674
Source of funds	
General fund	<u>2,154,674</u>
Total	2,154,674
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	5,877,247
Operating expenses	885,702
Grants	<u>1,209,868</u>
Total	7,972,817
Source of funds	
General fund	4,968,305
Special funds	398,049
Federal funds	2,331,600
Interdepartmental transfers	<u>274,863</u>
Total	7,972,817
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	9,071,501
Operating expenses	<u>2,657,322</u>
Total	11,728,823
Source of funds	

General fund	909,203
Special funds	<u>10,819,620</u>
Total	11,728,823
Sec. B.706 Forests, parks and recreation - lands administration and recreation	
Personal services	2,122,060
Operating expenses	1,343,187
Grants	<u>2,657,652</u>
Total	6,122,899
Source of funds	
General fund	908,531
Special funds	2,020,151
Federal funds	3,071,717
Interdepartmental transfers	<u>122,500</u>
Total	6,122,899
Sec. B.708 Forests, parks and recreation - forest and parks access roads	
Personal services	110,000
Operating expenses	<u>69,925</u>
Total	179,925
Source of funds	
General fund	<u>179,925</u>
Total	179,925
Sec. B.709 Environmental conservation - management and support services	
Personal services	6,613,365
Operating expenses	3,933,249
Grants	<u>125,000</u>
Total	10,671,614
Source of funds	
General fund	1,775,480
Special funds	446,131
Federal funds	945,212
Interdepartmental transfers	<u>7,504,791</u>
Total	10,671,614
Sec. B.710 Environmental conservation - air and waste management	
Personal services	17,164,499
Operating expenses	10,579,537
Grants	<u>4,292,462</u>
Total	32,036,498
Source of funds	

General fund	224,369
Special funds	28,061,132
Federal funds	3,588,192
Interdepartmental transfers	<u>162,805</u>
Total	32,036,498

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

Personal services	23,094,172
Operating expenses	7,043,822
Grants	<u>32,125,333</u>
Total	62,263,327
Source of funds	
General fund	7,540,060
Special funds	20,407,725
Federal funds	33,636,979
Interdepartmental transfers	<u>678,563</u>
Total	62,263,327

Sec. B.713 Natural resources board

Personal services	2,781,080
Operating expenses	<u>500,902</u>
Total	3,281,982
Source of funds	
General fund	630,798
Special funds	<u>2,651,184</u>
Total	3,281,982

Sec. B.714 Total natural resources

Source of funds	
General fund	30,636,460
Special funds	66,055,122
Fish and wildlife fund	9,099,448
Federal funds	52,185,233
Interdepartmental transfers	<u>10,440,051</u>
Total	168,416,314

Sec. B.800 Commerce and community development - agency of commerce and community development - administration

Personal services	1,964,532
Operating expenses	1,768,188
Grants	<u>579,820</u>
Total	4,312,540

Source of funds	
General fund	3,171,540
Federal Coronavirus Relief Fund	750,000
Federal funds	<u>391,000</u>
Total	4,312,540
Sec. B.801 Economic development	
Personal services	4,016,204
Operating expenses	1,153,449
Grants	<u>5,249,719</u>
Total	10,419,372
Source of funds	
General fund	4,910,253
Special funds	1,945,350
Federal funds	3,518,769
Interdepartmental transfers	<u>45,000</u>
Total	10,419,372
Sec. B.802 Housing & community development	
Personal services	3,942,367
Operating expenses	755,675
Grants	<u>14,533,277</u>
Total	19,231,319
Source of funds	
General fund	2,791,111
Special funds	5,398,955
Federal funds	8,164,967
Interdepartmental transfers	<u>2,876,286</u>
Total	19,231,319
Sec. B.806 Tourism and marketing	
Personal services	1,855,399
Operating expenses	1,581,906
Grants	<u>76,880</u>
Total	3,514,185
Source of funds	
General fund	3,489,598
Interdepartmental transfers	<u>24,587</u>
Total	3,514,185
Sec. B.808 Vermont council on the arts	
Grants	<u>718,589</u>

Total	718,589
Source of funds	
General fund	<u>718,589</u>
Total	718,589
Sec. B.809 Vermont symphony orchestra	
Grants	<u>136,978</u>
Total	136,978
Source of funds	
General fund	<u>136,978</u>
Total	136,978
Sec. B.810 Vermont historical society	
Grants	<u>965,108</u>
Total	965,108
Source of funds	
General fund	<u>965,108</u>
Total	965,108
Sec. B.811 Vermont housing and conservation board	
Grants	<u>29,782,673</u>
Total	29,782,673
Source of funds	
Special funds	11,466,417
Federal funds	<u>18,316,256</u>
Total	29,782,673
Sec. B.812 Vermont humanities council	
Grants	<u>227,989</u>
Total	227,989
Source of funds	
General fund	<u>227,989</u>
Total	227,989
Sec. B.813 Total commerce and community development	
Source of funds	
General fund	16,411,166
Special funds	18,810,722
Federal Coronavirus Relief Fund	750,000
Federal funds	30,390,992
Interdepartmental transfers	<u>2,945,873</u>
Total	69,308,753

Sec. B.900 Transportation - finance and administration

Personal services	12,760,887
Operating expenses	3,163,873
Grants	<u>55,000</u>
Total	15,979,760
Source of funds	
Transportation fund	15,108,560
Federal funds	<u>871,200</u>
Total	15,979,760

Sec. B.901 Transportation - aviation

Personal services	4,307,908
Operating expenses	5,037,764
Grants	<u>210,000</u>
Total	9,555,672
Source of funds	
Transportation fund	4,553,828
Federal funds	<u>5,001,844</u>
Total	9,555,672

Sec. B.902 Transportation - buildings

Operating expenses	<u>307,000</u>
Total	307,000
Source of funds	
Transportation fund	<u>307,000</u>
Total	307,000

Sec. B.903 Transportation - program development

Personal services	54,357,099
Operating expenses	241,593,174
Grants	<u>26,825,000</u>
Total	322,775,273
Source of funds	
Transportation fund	42,204,675
TIB fund	8,904,313
Federal funds	271,141,834
Local match	<u>524,451</u>
Total	322,775,273

Sec. B.904 Transportation - rest areas construction

Personal services	185,000
Operating expenses	<u>825,000</u>

Total	1,010,000
Source of funds	
Transportation fund	101,000
Federal funds	<u>909,000</u>
Total	1,010,000
Sec. B.905 Transportation - maintenance state system	
Personal services	45,305,185
Operating expenses	54,291,051
Grants	<u>240,200</u>
Total	99,836,436
Source of funds	
Transportation fund	97,358,649
Federal funds	2,377,787
Interdepartmental transfers	<u>100,000</u>
Total	99,836,436
Sec. B.906 Transportation - policy and planning	
Personal services	4,199,096
Operating expenses	993,259
Grants	<u>6,358,650</u>
Total	11,551,005
Source of funds	
Transportation fund	3,003,905
Federal funds	8,529,250
Interdepartmental transfers	<u>17,850</u>
Total	11,551,005
Sec. B.907 Transportation - rail	
Personal services	5,016,835
Operating expenses	26,447,613
Grants	<u>30,000</u>
Total	31,494,448
Source of funds	
Transportation fund	14,942,605
TIB fund	760,000
Federal funds	14,634,998
Interdepartmental transfers	<u>1,156,845</u>
Total	31,494,448
Sec. B.908 Transportation - public transit	
Personal services	2,482,733

Operating expenses	184,334
Grants	<u>35,567,753</u>
Total	38,234,820
Source of funds	
Transportation fund	5,708,177
Federal funds	32,486,643
Interdepartmental transfers	<u>40,000</u>
Total	38,234,820
Sec. B.909 Transportation - central garage	
Personal services	4,566,949
Operating expenses	<u>16,415,926</u>
Total	20,982,875
Source of funds	
Internal service funds	<u>20,982,875</u>
Total	20,982,875
Sec. B.910 Department of motor vehicles	
Personal services	22,480,038
Operating expenses	<u>11,865,495</u>
Total	34,345,533
Source of funds	
Transportation fund	32,852,324
Federal funds	1,345,934
Interdepartmental transfers	<u>147,275</u>
Total	34,345,533
Sec. B.911 Transportation - town highway structures	
Grants	<u>4,650,000</u>
Total	4,650,000
Source of funds	
Transportation fund	<u>4,650,000</u>
Total	4,650,000
Sec. B.912 Transportation - town highway local technical assistance program	
Personal services	362,665
Operating expenses	<u>46,300</u>
Total	408,965
Source of funds	
Transportation fund	108,965
Federal funds	<u>300,000</u>
Total	408,965

Sec. B.913 Transportation - town highway class 2 roadway

Grants	<u>3,250,000</u>
Total	3,250,000
Source of funds	
Transportation fund	<u>3,250,000</u>
Total	3,250,000

Sec. B.914 Transportation - town highway bridges

Personal services	3,004,608
Operating expenses	9,868,743
Grants	<u>200,000</u>
Total	13,073,351
Source of funds	
Transportation fund	791,327
TIB fund	1,436,457
Federal funds	10,456,841
Local match	<u>388,726</u>
Total	13,073,351

Sec. B.915 Transportation - town highway aid program

Grants	<u>27,105,769</u>
Total	27,105,769
Source of funds	
Transportation fund	<u>27,105,769</u>
Total	27,105,769

Sec. B.916 Transportation - town highway class 1 supplemental grants

Grants	<u>128,750</u>
Total	128,750
Source of funds	
Transportation fund	<u>128,750</u>
Total	128,750

Sec. B.917 Transportation - town highway: state aid for nonfederal disasters

Grants	<u>1,150,000</u>
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000

Sec. B.918 Transportation - town highway: state aid for federal disasters

Grants	<u>180,000</u>
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Total	180,000
Source of funds	
Transportation fund	20,000
Federal funds	<u>160,000</u>
Total	180,000
Sec. B.919 Transportation - municipal mitigation assistance program	
Operating expenses	210,000
Grants	<u>5,845,000</u>
Total	6,055,000
Source of funds	
Transportation fund	650,000
Special funds	3,977,000
Federal funds	<u>1,428,000</u>
Total	6,055,000
Sec. B.920 Transportation - public assistance grant program	
Operating expenses	200,000
Grants	<u>1,050,000</u>
Total	1,250,000
Source of funds	
Special funds	50,000
Federal funds	1,000,000
Interdepartmental transfers	<u>200,000</u>
Total	1,250,000
Sec. B.921 Transportation board	
Personal services	152,387
Operating expenses	<u>32,387</u>
Total	184,774
Source of funds	
Transportation fund	<u>184,774</u>
Total	184,774
Sec. B.922 Total transportation	
Source of funds	
Transportation fund	254,180,308
TIB fund	11,100,770
Special funds	4,027,000
Federal funds	350,643,331
Internal service funds	20,982,875
Interdepartmental transfers	1,661,970

Local match	913,177
Total	643,509,431
Sec. B.1000 Debt service	
Operating expenses	79,377,264
Total	79,377,264
Source of funds	
General fund	75,828,995
Transportation fund	540,918
ARRA funds	504,738
TIB debt service fund	2,502,613
Total	79,377,264
Sec. B.1001 Total debt service	
Source of funds	
General fund	75,828,995
Transportation fund	540,918
ARRA funds	504,738
TIB debt service fund	2,502,613
Total	79,377,264
Sec. B.1100 FISCAL YEAR 2021 ONE-TIME GENERAL FUND APPROPRIATIONS	
(a) <u>In fiscal year 2021, funds are appropriated from the General Fund as follows:</u>	
(1) <u>To the Agency of Administration: \$20,000 for a grant to the League of Women Voters of Vermont Education Fund to celebrate of the 19th amendment to the U.S. Constitution, ratified on August 18, 1920, guaranteeing that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.</u>	
(2) <u>To the Department of Environmental Conservation: \$10,000 for a grant to the town of Chittenden for the installation of one or more warning sirens that can be heard in the towns of Chittenden, Pittsford, Rutland Town, and Rutland City in the event that there is a breach of the Chittenden Reservoir.</u>	
(3) <u>To the Attorney General: \$162,000 to fund diversion programs that have experienced reduced fee revenue as the result of the COVID-19 pandemic.</u>	

(4) To the Department of State's Attorneys and Sheriffs: \$13,000 to augment federal grant funding that is reduced due to Vermont not having a specific statute in place.

(5) To the Department of Public Service: \$250,000 to develop a long-term telecom plan for the State pursuant to 2019 Acts and Resolves No. 79.

(6) To the Department of Public Service: \$1,500,000 to be awarded as grants to communications union districts. These grants shall be used to provide cash equity to secure loans to finance broadband projects, including the 10 percent of project costs required to secure financing through the Broadband Expansion Loan Program administered by the Vermont Economic Development Authority. A communications union district may not receive more than \$400,000 in awards under this appropriation.

(7) To the Agency of Education: \$15,860 for per diems for the AOE Ethnic and Social Equity Standards Advisory Group per 2019 Acts and Resolves No. 1.

(8) To the Natural Resources Board: \$30,000 for completion of Act 250 applications submitted on the new electronic database and application system, the review of which were delayed due to issues related to the COVID-19 pandemic.

(9) To the Agency of Commerce and Community Development: \$100,000 to hire a consultant for a Public Access Television funding study, pursuant to 2020 Acts and Resolves No. 137. Any funds that remain unused for this purpose shall be transferred to the Department of Public Service for plan development pursuant to 2019 Acts and Resolves No. 79

(10) To the Vermont State Colleges: \$23,800,000 additional bridge funding to allow system restructuring to be implemented for the 2021/2022 academic year.

(11) To the Agency of Natural Resources: \$450,000 for the purposes of the establishment of three (3) full-time limited service positions (to be determined), costs associated with providing administrative, technical and legal support, per diems, hiring consultants and experts and other necessary costs and expenses associated with implementation of H.688.

Sec. B.1100.1 FISCAL YEAR 2021 ONE-TIME TRANSPORTATION
FUND APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2021, funds are appropriated from the transportation fund as follows:

(1) To the Agency of Digital Services: \$900,000 for the Department of Motor Vehicles information technology system modernization.

(2) To the Agency of Transportation: \$11,400,000 allocated for the following uses:

(A) \$7,000,000 to be distributed to municipalities not later than October 31, 2020 in the same apportionments and for the same purposes prescribed under 19 V.S.A. § 306(a)(3), which shall not be included in any subsequent calculations for the annual appropriation for aid to town highways pursuant to 19 V.S.A. § 306(a);

(B) \$500,000 for maintenance and roadside mowing;

(C) \$1,000,000 for the New PEV Incentive Program established in 2019 Acts and Resolves No. 59, Sec. 34, as amended, with up to \$100,000 of that \$1,000,000 available to continue and expand the Agency of Transportation's public-private partnership with Drive Electric Vermont to support the expansion of the plug-in electric vehicle market in the State;

(D) \$500,000 to fund initiatives to increase public transit ridership in fiscal year 2021 as authorized under 2020 Acts and Resolves No. 121, Sec. 9; and

(E) \$2,400,000 for leveling and paving projects.

(b) In fiscal year 2021, \$600,000 is transferred from the Transportation Fund to the Central Garage Fund for the purchase of new equipment consistent with 2020 Acts and Resolves No. 121, Secs. 11, 12, and 12a.

Sec. B.1101.2 CORONAVIRUS RELIEF FUND – ONE-TIME LIST

(a) In fiscal year 2021, funds are appropriated from the Coronavirus Relief Fund (CRF) as follows:

(1) To the Agency of Agriculture, Food and Markets: \$100,000 for the Farm to School program to address the effects of the pandemic. Grant funds will be used to facilitate the local food procurement and hands-on education goals of the program and to reimburse schools and registered or licensed child care providers for the costs of equipment, materials, and supplies for school nutrition programs and classrooms that are necessary expenditures related to the public health emergency, including improvements for outdoor learning and/or dining spaces and equipment for processing, packaging, storing, and serving meals safely. Applications shall be filed in accordance with grant parameters and a deadline established by the Agency of Agriculture, Food and Markets, and shall be processed in the order of receipt, except no application will be evaluated for an award until the Agency of Agriculture, Food, and Markets determines that it is administratively complete. Each grant payment shall exclusively cover incurred costs and/or expenses related to the public health emergency and shall be a maximum award of \$10,000. If the Agency

of Agriculture, Food and Markets receives a high volume of applications, it may lower the maximum individual grant award to more equitably distribute the funds among a larger number of applicants. Each grant payment may be a partial reimbursement of proven costs and shall be a direct payment from the State of Vermont to a school or child care provider.

(2) To the Agency of Administration: \$500,000 for contracted services related to CRF and other COVID-19 federal funding eligibility.

(3) To the Agency of Administration: \$10,000,000 for equitable distribution to be determined in consultation with the Association of Vermont Independent Colleges, among the 11 independent colleges. Distribution factors to be considered include, but are not limited to, CARES Act funding guidelines, creating a floor to protect smaller schools. In order to qualify for funding from this appropriation, institutions must be accredited and chartered in Vermont. The funds are for COVID-19-related losses or expenditures previously incurred or expected to be incurred that meet the federal guidelines for funding eligibility.

(4) To the University of Vermont: \$10,000,000 to address pandemic funding needs through December 2020. For the duration of the Governor's state of emergency orders, the University shall present to the House and Senate Committees on Appropriations and Education, as well as the UVM community:

(A) a full, specific quarterly accounting of all funds appropriated and expended during the span of time covered by the Governor's state of emergency orders.; and

(B) the revenue-loss projections upon which the University's present and future budget cuts are premised, and how those projections bear out as actual data becomes available.

(5) To the Department of Disabilities, Aging, and Independent Living: \$2,000,000 for grants to Adult Day service providers to provide financial stability grant funding to the 12 adult day providers statewide to continue to support the facilities, service infrastructure, and necessary operating costs for October 2020 through December 20, 2020 as these programs remained closed due the COVID-19 crisis to prepare to reopen safely for the vulnerable populations they serve and to operate at reduced census upon reopening. Funds shall be distributed on or before October 10, 2020 to each program in accordance with the spreadsheet submitted by the providers to the Department prior to September 30, 2020. Any funds remaining subsequent to September 30, 2020 from prior Coronavirus Relief Funds appropriations for Adult Day service provides shall be carried forward until December 20, 2020 and shall

remain available the Adult Day programs for their use prior to December 20, 2020.

(6) To the Department of Disabilities, Aging, and Independent Living: \$565,000 to support the Meals on Wheels program and maintain the reimbursement rates established during the pandemic through December 30, 2020. 100 percent of this appropriation shall be distributed directly to the organizations preparing and delivering the meals.

(7) To the Agency of Human Services: \$250,000 for grants to Vermont Legal Aid for information technology costs necessitated by coronavirus, including cybersecurity and case management needs.

(8) To the Department of Health for the Vermont Recovery Network: \$60,000 to be equally divided and granted directly to each of the 12 recovery centers for reimbursement of expenses incurred due to the COVID-19 pandemic. Each center shall be eligible for up to \$5,000 reimbursement after submitting a list of expenses incurred that pertain to cleaning and social distancing efforts at the centers.

(9) To the Agency of Transportation: \$1,557,438 for the Transportation Program in Dept ID 8100007000; AOT COVID-19.

(10) To the Vermont Housing Conservation Board: \$2,250,000 for projects to address homelessness and reduce risk of community spread of the coronavirus.

(11) To the Department of Tourism and Marketing for the Restart Vermont Marketing Program: \$4,000,000.00 for the Restart Vermont Marketing Program to publicize the resumption of activities and steps taken to ensure a safe experience and to encourage visitation and consumer spending in Vermont to support businesses that have suffered economic harm due to the COVID-19 public health emergency. The Department shall coordinate with regional partners in developing and implementing marketing strategies that ensure regional and Statewide benefits from the Program.

(12) To the Vermont State Colleges, in coordination with the Department of Labor, for workforce training: \$2,300,000.00 to serve Vermonters who have been impacted by the COVID-19 pandemic through layoffs, furloughs, reduced hours, or due to being employed in an industry that has been severely affected.

(A) The funds awarded pursuant to this subdivision (12) are to:

(i) offer courses and workshops to upskill affected Vermonters in their current industry or reskill Vermonters who desire a change in their career path for more economic stability; and

(ii) provide for necessary school supplies, wrap-around services, marketing of the program, and support staff.

(B) Any funds provided in this subdivision (12) that remain unencumbered as of November 15, 2020 shall revert to the Coronavirus Relief Fund and be appropriated to the Agency of Commerce and Community Development for grants pursuant to 2020 Acts and Resolves No. 137, Sec. 6.

* * * Business Economic Assistance and Unemployed Stimulus * * *

Sec. B.1102 2020 Acts and Resolves No. 137, Sec. 6 is amended to read:

Sec. 6 COVID-19; ECONOMIC SUPPORT FOR BUSINESSES AND INDIVIDUALS

(a) Appropriations; grants. The following amounts are appropriated from the Coronavirus Relief Fund to the named recipients to provide grants to businesses that have suffered economic harm due to the COVID-19 public health emergency and economic crisis.

(1) ~~\$82,000,000.00 for additional emergency economic recovery grants pursuant to 2020 Acts and Resolves No. 115 (S.350), Secs. 2-3~~ \$143,700,000.00 for grants to businesses that meet the eligibility criteria in subsection (c) of this section as follows:

(A) ~~\$56,000,000.00~~ \$117,700,000.00 to the Agency of Commerce and Community Development.

(B) \$26,000,000.00 to the Department of Taxes.

* * *

(5) \$5,000,000.00 to the Agency of Commerce and Community Development to grant to the Vermont Arts Council for grants to nonprofit arts and cultural organizations. ~~For purposes of calculating reduction in revenue under this subdivision, "revenue" does not include tax-deductible charitable contributions.~~

* * *

(c) Eligibility; grant amount; terms; guidelines.

(1) To be eligible for a grant under subsection (a) or (b) of this section, a business must meet the following eligibility criteria and comply with the guidelines adopted pursuant to 2020 Acts and Resolves No. 115 (S.350) unless otherwise provided in this section, except that a business must demonstrate that it suffered a 50 percent or greater reduction in revenue due to the COVID-19 public health emergency and economic crisis in a monthly or quarterly period

from March 1, 2020 to September 1, 2020 as compared to the same period in 2019 subdivision (4) of this subsection:

(A) The business is a private, for-profit or nonprofit organization that is domiciled or has its primary place of business in Vermont.

(B) The business is either open at the time of application or is closed due to the COVID-19 public health emergency but has a good-faith plan for reopening.

(C) The business demonstrates need based on economic loss due to the COVID-19 public health emergency from March 1, 2020 to December 1, 2020.

(2) The Agency shall establish standards for determining the amount of grant awards, provided that a business may not receive more than \$300,000.00 in grant awards pursuant to 2020 Acts and Resolves No. 115 and this act.

(3) The Agency shall set standards for how much grant awards should be adjusted based on whether an applicant has received financial assistance from other sources.

(4) The Agency may coordinate with local, regional, and State economic development partners to administer grants pursuant to this section.

(5) The Agency shall:

(A) adopt a process, procedures, and guidelines for the implementation of this section, including internal controls, an internal audit process, and an internal performance review process;

(B) submit information concerning the processes, procedures, and guidelines implementing this section not later than five days before the guidelines take effect to the House Committees on Commerce and Economic Development and on Appropriations and to the Senate Committees on Economic Development, Housing and General Affairs and on Appropriations;

(C) publish information concerning the guidelines and procedures, conduct marketing and outreach to communities that historically have not had equal access to financial or government services, and provide technical assistance to potential grant recipients;

(D) provide and maintain current, Internet-based information available to the public concerning the recipients and amounts of grants awarded;

(E) collect and publish demographic and other relevant data concerning grant recipients; and

(F) provide bi-weekly updates to the General Assembly concerning the implementation of this section.

* * *

(e) Prohibition on multiple sources of funding.

(1) A business may not receive a grant of Coronavirus Relief Fund monies from more than one source, ~~except that a business in the dairy sector may apply for a grant under subdivision (a)(2)(B) of this section, provided that the award is not for the same purpose covered under other assistance from the Fund.~~

* * *

(g) Emergency economic recovery grant funds; transfer. If any funds appropriated to Agency of Commerce and Community Development and the Department of Taxes in 2020 Acts and Resolves No. 115 (S.350) remain both unencumbered and unspent as of August 1, 2020, the Agency and Department shall combine and administer those funds with the amounts made available to them in this section, subject to the standards and criteria established in this section.

Sec. B.1102.1. ADDITIONAL UNEMPLOYMENT SUPPORT

(a) The amount of \$17,000,000.00 is appropriated from the Coronavirus Relief Fund to the Department of Labor to provide direct grants, subject to available funding, of not more than \$100.00 per week for not more than five weeks to Vermonters who received unemployment insurance benefits pursuant to 21 V.S.A. chapter 17 or Pandemic Unemployment Assistance pursuant to pursuant to the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116–136, § 2102, for one or more weekly benefit periods beginning on or after September 27, 2020.

(b) Any funds appropriated in this section that remain unencumbered as of November 15, 2020 shall revert to the Agency of Commerce and Community Development for grants pursuant to 2020 Acts and Resolves No. 137, Sec. 6.

Sec. B.1102.2 CONTINGENT BUSINESS GRANTS CRF APPROPRIATION

(a) In fiscal year 2021, \$15,000,000 is appropriated from the Coronavirus Relief Fund to the Agency of Commerce and Community to increase the amount available for grants to businesses that have suffered economic harm due to COVID-19 as established in Acts and Resolves No. 137, Sec. 6 as amended by Sec. B.1102 of this act. This appropriation is contingent upon up to \$15,000,000 of funds pursuant to the \$75,000,000 and \$150,000,000 CRF

allocations approved by the Joint Fiscal Committee on May 5, 2020, being identified by the Administration and reverted to the Coronavirus Relief Fund due to reassignment to other funding sources, including FEMA, Federal Pandemic Unemployment Assistance, or other federal funds, or determined to be expended at less than the approved amount.

(b) On or before November 5, 2020, The Commissioner of Finance and Management shall report to the Joint Fiscal Committee on the status of specific allocations and reversions.

* * * Telecommunications Related Amendments * * *

Sec. B.1103 2020 Acts and Resolves No. 137, Sec. 1(a) is amended to read:

(a) The purpose of this act is to appropriate ~~\$213,200,000.00~~ monies from the Coronavirus Relief Fund to cover necessary broadband connectivity, information technology, housing, and economic relief expenses incurred due to, or as a result of, the COVID-19 public health emergency.

Sec. B.1104 2020 Acts and Resolves No. 137, Sec. 13, subsection (e) is amended to read:

(e) Up to ~~\$50,000.00~~ \$175,000.00 of funds appropriated under this section may be used to reimburse the Department of Public Service and the Agency of Digital Services for any costs associated with the deployment of Wi-Fi hotspots not covered by the Federal Emergency Management Agency.

Sec. B.1105 30 V.S.A. § 202d(7) is amended to read:

(7) ~~An analysis of available options to support the State's access media organizations.~~ [Repealed.]

Sec. B.1105.1 2020 Acts and Resolves No. 137, Sec. 14, subsection (a), is amended to read:

(a) The sum of ~~\$800,000.00~~ \$2,300,000.00 is appropriated to the COVID-Response Connected Community Resilience Program, a grant program to be administered by the Commissioner of Public Service. The purpose of the Program is to fund recovery planning efforts of communications union districts, particularly with regard to accelerating their deployment schedules. Accelerated deployment is necessary in direct response to the COVID-19 public health emergency, which has caused communications union districts to rapidly reassess the connectivity needs in their respective service areas and to reevaluate their deployment objectives going forward, either independently or collaboratively. Conditions of the Program shall include the following:

(1) Costs eligible for funding under this Program include consultant fees, administrative expenses, and any other recovery planning costs deemed appropriate by the Commissioner.

(2) A grant award may not exceed ~~\$100,000.00~~ \$400,000.00.

Sec. B.1105.2 2019 Acts and Resolves No. 79, Sec. 10, subdivision (a)(7), is amended to read:

(7) Studies funded through the Program shall conclude within ~~six~~ 12 months of receipt of the award; distribution utility studies shall conclude within 12 months of receipt of the award.

* * * CRF Reallocations and Joint Fiscal Committee Process * * *

Sec. B.1106 CAPACITY IDENTIFIED FROM PREVIOUSLY
ALLOCATED OR APPROPRIATED CORONAVIRUS RELIEF
FUND MONIES

(a) Reversion of remaining balance of Administration's CRF allocation. Of the \$75,000,000 that the Joint Fiscal Committee authorized the Administration to spend for health and safety and other emergency response needs as a condition for acceptance of the federal Coronavirus Relief Fund grant, as amended by the Committee on May 5, 2020, the sum of \$2,565,237 shall revert to the State's Coronavirus Relief Fund for reallocation in accordance with the appropriations made in this act.

(b) Reversion of Joint Fiscal Committee CRF allocation. Of the \$150,000,000 that the Joint Fiscal Committee authorized pending approval for the Administration to spend for pandemic response needs as a condition for acceptance of the federal Coronavirus Relief Fund grant, as amended by the Committee on May 5, 2020, the sum of \$2,000,000 shall revert to the State's Coronavirus Relief Fund for reallocation in accordance with the appropriations made in this act.

Sec. B.1107 2020 Acts and Resolves No. 108, Sec. 2 is amended to read:

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

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

expended. In the event that costs are incurred for payment under the Municipal Emergency Statewide Education Property Tax Borrowing Program, the Secretary of Administration shall submit a request to the Joint Fiscal Committee for the Committee's approval to make payments from the State's Coronavirus Relief Fund (CRF) monies remaining within the allocation subject to Committee approval or from CRF monies available in accordance with Sec. B.1108, B.1109, or B.1110 of this act.

Sec. B.1107.1 2020 Acts and Resolves No. 120, Sec. A.49(a)(6) is amended to read:

(6) Defender General: ~~\$753,000~~ \$453,000 is appropriated to the Defender General for costs incurred or anticipated to be incurred in response to the COVID-19 pandemic.

Sec. B.1108 CORONAVIRUS RELIEF FUND; REALLOCATION;
ALLOCATION OF UNOBLIGATED MONIES; JOINT
FISCAL COMMITTEE

(a) Purpose. As set forth in 2020 Acts and Resolves Nos. 120, 136, 137, and 138, unless otherwise authorized by the Commissioner of Finance and Management, any monies appropriated from the State's Coronavirus Relief Fund (CRF) shall revert to the CRF to the extent they have not been expended by December 20, 2020 to enable reallocation. In addition, CRF monies appropriated during the 2020 legislative session that are no longer necessary because funds have been received for the same or a similar purpose from another source may revert to the CRF for reallocation. The purpose of this section is to establish processes for allocating unobligated CRF monies and for reallocating reverted CRF monies and any unexpended and unencumbered monies appropriated from the CRF that the Commissioner of Finance and Management identifies between the date of final legislative passage of the fiscal year 2021 budget bill and December 20, 2020 as being unable to be expended for their original purposes by December 30, 2020.

(b) Allocation and reallocation.

(1) The Commissioner of Finance and Management may allocate unobligated CRF monies, reallocate reverted CRF monies, and reallocate unexpended and unencumbered CRF monies, upon approval of the proposed allocation or reallocation by the Joint Fiscal Committee as set forth in this subsection.

(2) If the Commissioner of Finance and Management identifies reverted CRF monies, unexpended and unencumbered CRF monies, or unobligated CRF monies, or a combination of these, that the Commissioner wishes to

reallocate for a use other than that for which the CRF monies were originally appropriated, or that the Commissioner wishes to allocate, in the case of unobligated CRF monies, the Commissioner shall inform the Joint Fiscal Committee of:

(A) the amount or amounts available for allocation or reallocation;

(B) the proposed use or uses of the monies; and

(C) the manner in which the proposed use or uses comply with the parameters set forth in Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance.

(3) Criteria for approval.

(A) Compliance with CRF parameters. In determining whether to approve a proposal submitted by the Commissioner under this section, the Joint Fiscal Committee shall first determine whether each proposed use of CRF monies complies with the parameters set forth in Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance. If the Committee determines that a proposed use likely does not comply with the parameters, the Committee shall disapprove that proposed use.

(B) Timeliness. If the Committee determines that a proposed use likely does comply with the CRF parameters, it shall next consider whether the proposed use is likely to be achievable by December 30, 2020. If the Committee determines that the proposed use is unlikely to be achieved by December 30, 2020, the Committee shall disapprove that proposed use.

(C) Proposed uses.

(i) If the Committee determines that a proposed use likely complies with CRF parameters and is likely achievable by December 30, 2020, then, in light of the uncertainty regarding the continued effects of the COVID-19 public health emergency, the Committee shall evaluate the proposed use in the context of the areas of greatest need at the time of the proposal.

(ii) If the federal government allows the State to use CRF monies for purposes previously not permitted under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance, then, in addition to evaluating the proposed use in the context of the areas of greatest need, the Committee shall prioritize proposed uses related to revenue replacement for State government, local government, and the education finance system, and related to the funding of ongoing State financial liabilities.

(4) Joint Fiscal Committee process.

(A) Upon receipt of the information set forth in subdivision (2) of this subsection (b) from the Commissioner of Finance and Management, the Joint Fiscal Committee shall inform the General Assembly of the proposal and shall approve or disapprove each proposal within 10 calendar days following receipt.

(B) If the Joint Fiscal Committee disapproves a proposal, the Commissioner may revise and resubmit for further consideration. The Joint Fiscal Committee shall approve or disapprove within five calendar days following receipt of the revised proposal.

(5) Joint Fiscal Meetings.

(A) The Commissioner of Finance and Management shall report to the Joint Fiscal Office on or before November 5, 2020 and December 7, 2020 on the status of reallocation proposals under this section.

(c) Transfer authority. Nothing in this section shall be construed to limit the authority of the Emergency Board to transfer appropriations pursuant to 32 V.S.A. §§ 133 and 706.

(d) Final allocation and reallocation. On or after December 21, 2020, the Commissioner of Finance and Management may reallocate any unexpended and unencumbered CRF monies, and allocate any unobligated CRF monies, to the Department of Labor for reimbursement of claims expenditures made from the Department of Labor Unemployment Insurance Fund between March 1, 2020 and December 30, 2020.

Sec. B.1109 CONTINGENCY PLANNING FOR INCREASED CRF
FLEXIBILITY

(a) Purpose. The purpose of this section is to establish processes to be followed in the event that the federal government provides increased flexibility in authorized usage of the State's Coronavirus Relief Fund (CRF) monies following the date of final legislative passage of the fiscal year 2021 budget bill and prior to the convening of the 2021 legislative session.

(b) Expanded uses. If the federal government allows the State to use CRF monies for purposes previously not permitted under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance, but does not extend the period during which the monies must be expended, the Commissioner of Finance and Management shall inform the Joint Fiscal Committee and may propose additional uses of the CRF, which may include using unobligated CRF monies, previously allocated but unencumbered CRF monies that are unable to be expended by December 30, 2020, reverted CRF monies, or a combination of these, for Joint Fiscal Committee approval in accordance with the procedure

set forth in Sec. 1108 of this act, including considering the areas of greatest need.

(c) Extension of time. If the federal government allows the State to use CRF monies beyond the December 30, 2020 deadline established in Sec. 5001 of the CARES Act, Pub. L. No. 116-136, the Commissioner of Finance and Management shall notify the Joint Fiscal Committee of the extension.

(1) If the Joint Fiscal Committee, after consultation with the Commissioner, determines that the extension would allow for the full General Assembly to consider additional uses of CRF monies during the 2021 legislative session, the Joint Fiscal Committee shall limit its approval of allocations and reallocations pursuant to Sec. B.1108 of this act to those for which prompt action is necessary due to the time-sensitive nature of the proposed use or to the limited duration of the extension, or both.

(2) If the Joint Fiscal Committee, after consultation with the Commissioner, determines that the length of the extension would not provide the full General Assembly with sufficient time to address additional uses of CRF monies during the 2021 legislative session, the Joint Fiscal Committee shall consider the Commissioner's proposals in accordance with the procedure set forth in Sec. B.1108 of this act.

(3) In the event of an extension of time to use CRF monies, the final allocation and reallocation to the Department of Labor pursuant to Sec. B.1108 of this act shall not occur without the approval of the Joint Fiscal Committee.

Sec. B.1110 CONTINGENCY PLANNING FOR ADDITIONAL FEDERAL FUNDING

(a) The purpose of this section is to establish processes to be followed in the event that the federal government provides additional funds to the State of Vermont related to the COVID-19 public health emergency following the date of final legislative passage of the fiscal year 2021 budget bill but prior to the convening of the 2021 legislative session.

(b) If the federal government provides additional Coronavirus Relief Fund (CRF) grant monies to Vermont following the date of final legislative passage of the fiscal year 2021 budget bill but prior to the convening of the 2021 legislative session, the monies shall be subject to the CRF acceptance conditions adopted by the Joint Fiscal Committee, as may be amended.

(c) If the federal government provides an increase of \$10,000,000.00 or more to an existing federal grant other than the CRF grant following the date of final legislative passage of the fiscal year 2021 budget bill but prior to the convening of the 2021 legislative session, the Secretary of Administration

shall notify the Joint Fiscal Committee and the General Assembly of the grant award prior to exercising excess receipts authority.

Sec. B.1111 EXTENSION OF APPLICATION DEADLINE; COVID-19
EXPENSE REIMBURSEMENT; LOCAL GOVERNMENT

(a) The Secretary of Administration or designee shall continue to accept and process applications from units of local government for reimbursement of COVID-19 expenses pursuant to 2020 Acts and Resolves No. 137, Sec. 7, provided that the applications are received on or before October 15, 2020.

* * * Pre-K–12 Education Amendments * * *

Sec. B.1112 2020 Acts and Resolves No. 120, Sec. A.50 is amended to read:

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

(a) Total appropriation. The sum of \$50,000,000 is appropriated in fiscal year 2020, and the sum of \$53,000,000 is appropriated in fiscal year 2021, to the Agency of Education to fund eligible fiscal years 2020 and 2021 expenditures of Vermont prekindergarten–grade 12 public schools and approved independent schools. Eligible expenditures shall conform with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136, and

(1) This funding is allocated to the categories under subsections (b), and (c), and (d) of this section. It is the intent of the General Assembly that CARES Act funding appropriated to the Agency of Education under this section be used to ensure the safe opening and operation of public schools during the COVID-19 state of emergency and that public schools use these funds to the maximum extent permitted by law.

(2) Any unused portion of this funding shall carry over into fiscal year 2021.

(b) Efficiency Vermont. The amount of ~~\$6,500,000~~ \$13,500,000 shall be granted to Efficiency Vermont for the air quality improvement program in Sec. A.51 of this act.

(c) Prekindergarten-12 schools.

(1) Public schools. The sum of ~~\$41,000,000~~ \$88,300,000 shall be granted for the purpose of reimbursing COVID-19 costs incurred by school districts. As used in this section, “school district” means a school district, as defined in 16 V.S.A. § 11(11), or a regional career technical center school district, as defined in 16 V.S.A. § 1571. Of these funds, up to \$4,000,000 of the funds remaining from 2020 Acts and Resolves No. 136, Sec. 12 may be distributed by the Agency of Education to School Food Authorities and other

Child Nutrition Program sponsors for the purchase of CARES Act eligible supplies and equipment, including vehicles, freezers, and other capital assets, necessary to provide meals to children using the federal child nutrition programs during the COVID-19 state of emergency. These funds are restricted to costs that exceed the federal per-meal reimbursement received for meals provided through these programs.

* * *

(2) Approved independent schools. The sum of up to \$1,500,000 \$1,200,000 shall be granted for the purpose of reimbursing COVID-19 costs incurred by approved independent schools that, as of March 27, 2020 (the date of enactment of the CARES Act), had one or more students enrolled whose tuition was funded by the student's sending school district (publicly funded student).

* * *

~~(d) Accounting and technical assistance. Up to \$1,000,000 shall be available to provide accounting and technical assistance to the supervisory unions and school districts to fully identify COVID-19 expenses and accurately process these within the statewide accounting system. If the appropriated CARES Act funding proves to be insufficient to cover all reimbursement requests, any costs for new pandemic expenses shall be fully covered to the extent that appropriated funds. If proration is necessary, it shall be on requests from school districts of repurposed expenses that freed up previously budgeted funds in fiscal year 2021.~~

* * *

Sec. B.1113 2020 Acts and Resolves No. 120, Sec. A.51 is amended to read:

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

(a) Appropriation. The sum of ~~\$6,500,000~~ \$13,500,000 appropriated in Sec.A.50(b) of this act from the Coronavirus Relief Fund for Efficiency Vermont in fiscal year 2021 is for purposes of providing grants to Vermont K–12 covered schools to upgrade heating, ventilation, and air conditioning (HVAC) systems, and filtration and other methods of air treatment, in response to the COVID-19 emergency.

* * *

Sec. B.1114 [Deleted]

Sec. B.1115 LENGTH OF 2020–2021 SCHOOL YEAR

Notwithstanding 16 V.S.A. § 1071(a), for the 2020–2021 school year, each public school shall be maintained and operated for not less than 170 student attendance days, except as provided in subsection (g) of that section, which allows for waivers of this requirement.

Sec. B.1116 2020–2021 SCHOOL YEAR; WAIVER OF ONLINE
TEACHING ENDORSEMENT

Notwithstanding 16 V.S.A. § 1694, for the 2020–2021 school year, the Standards Board for Professional Educators (SBPE) shall waive its requirement for a teacher to hold an endorsement for online teaching in order to teach online or implement remote learning.

Sec. B.1117 ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

(a) Notwithstanding any provision of law to the contrary, the election of a director on the board of a unified union school district who is to serve on the board after expiration of the term for an initial director shall be held at the unified union school district’s annual meeting unless otherwise provided in the district’s articles of agreement.

(b) Notwithstanding any provision of law to the contrary, if a vacancy occurs on the board of a unified union school district and the vacancy is in a seat that is allocated to a specific town, the clerk of the unified union school district shall immediately notify the selectboard of the town. Within 30 days after the receipt of that notice, the unified union school district board, in consultation with the selectboard, shall appoint a person who is otherwise eligible to serve as a member of the unified union school district board to fill the vacancy until an election is held at an annual or special meeting unless otherwise provided in accordance with the unified union school district’s articles of agreement.

(c) This section is repealed on July 1, 2022.

Sec. B. 1118 ADM ADJUSTMENT; DECLINE IN STUDENT
ENROLLMENT DUE TO HOME STUDY

Notwithstanding 16 V.S.A. §§ 4001(1) and 4010(b), for the 2020–2021 school year, the Secretary of Education shall determine the average daily membership (ADM) for each school district at a count of not less than the district’s 2019–2020 school year ADM.

Sec. B.1119 REIMBURSEMENT OF TRANSPORTATION EXPENSES
INCURRED DURING THE COVID-19 STATE OF
EMERGENCY

Notwithstanding 16 V.S.A. §§ 1222 and 4016, allowable transportation expenditures shall include the costs incurred by a school district or supervisory union for the transportation of food and other aid to students, families, and members of the community during the COVID-19 state of emergency, provided that if these expenditures were already reimbursed by federal or State funds, they shall not also be reimbursed under these sections.

Sec. B.1120 PREKINDERGARTEN; TEACHERS; WAIVER

Notwithstanding 16 V.S.A. § 829, if a private provider was prequalified on or before March 15, 2020, then the provider shall retain its prequalified status for the 2020–2021 school year despite the loss of services of a teacher who is licensed and endorsed in early childhood education or in early childhood special education under 16 V.S.A. chapter 51, provided that the private provider continues to meet all other qualification criteria.

Sec. B.1120.1 TASK FORCE FOR UNIVERSAL AFTERSCHOOL
ACCESS; CREATION

(a) Creation. There is created the Task Force for Universal Afterschool Access to consider and make recommendations on the framework for, the costs of, and related long-term funding sources for access to universal afterschool programs.

(b) Membership. The Task Force shall be composed of the following 15 members:

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

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

(3) the Secretary of Education or designee;

(4) the Secretary of Human Services or designee;

(5) the Executive Director of the Vermont Superintendents Association or designee;

(6) the Executive Director of the Vermont School Boards Association or designee;

(7) the Executive Director of the Vermont Council of Special Education Administrators or designee;

(8) the Executive Director of the Vermont Principals' Association or designee;

(9) the Chair of the Vermont Council of Independent Schools or designee;

(10) a representative of Vermont home study programs, appointed by the Governor;

(11) a representative of Vermont Boys and Girls Clubs, appointed by the Governor;

(12) three representatives of afterschool programs who represent the breadth of geographic areas within the State, appointed by the Governor; and

(13) the Executive Director of Vermont Afterschool, Inc. or designee.

(c) Powers and duties. The Task Force shall consider and make recommendations on the framework for, the costs of, and related long-term funding sources for access to universal afterschool programs.

(1) The Task Force shall map existing afterschool programs and highlight gaps in access and equity, including equity for Vermonters with disabilities.

(2) The Task Force shall recommend, as part of the framework, best practices and key evidence-based strategies to maximize health and substance abuse prevention and shall consult with the Substance Misuse Prevention and Advisory Council.

(3) The Task Force shall consider the report entitled “Closing the Gap in Vermont: The Expanded Learning Opportunities (ELO) Special Fund,” dated November 2015, issued by the Working Group on Expanded Learning Opportunities of Vermont’s PreK–16 Council.

(4) The Task Force shall review the status and results of the Afterschool for All Grant Program administered by the Department for Children and Families.

(5) In exploring funding sources, the Task Force shall prefer solutions that do not draw upon the State’s Education Fund and shall explore the possibility of using potential revenue from the taxation and regulation of cannabis.

(6) The Task Force may recommend legislative language to enact its recommendations.

(d) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education.

(e) Meetings.

(1) The Governor shall call the first meeting of the Task Force to occur on or before October 15, 2020.

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

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

(4) The Task Force shall cease to exist on April 16, 2021.

(f) Reports. On or before April 15, 2021, the Task Force shall submit a written report to the Governor and the House and Senate Committees on Education with its findings and recommendations.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than six meetings.

(2) Members of the Task Force who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than six meetings.

(h) Appropriation. The sum of \$7,200.00 is appropriated for fiscal year 2021 from the General Fund to the Agency of Administration to provide funding for per diem compensation and reimbursement under subsection.

* * * Healthcare Stabilization Grant Amendments * * *

Sec. B.1121 2020 Acts and Resolves No. 136, Sec. 7 is amended to read:

Sec. 7. AGENCY OF HUMAN SERVICES; HEALTH CARE PROVIDER
STABILIZATION GRANT PROGRAM

(a) Appropriation. The sum of ~~\$275,000,000.00~~ \$250,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Human Services in fiscal year 2021 for purposes of establishing the Health Care Provider Stabilization Grant Program as set forth in this section. The Agency shall disburse these funds to eligible health care provider applicants as expeditiously as possible using a needs-based application process.

* * *

(d) Specific allocations. Notwithstanding any provisions of this section to the contrary, of the funds appropriated in subsection (a) of this section, the

Agency of Human Services shall make the following allocations for the following purposes:

(1) Up to \$2,000,000.00 for workforce stabilization grants to emergency medical service and ambulance service providers. The Agency shall determine grant awards, taking into consideration the various arrangements under which these providers engage with licensed emergency medical personnel across the State and on the providers' access to other sources of workforce support related to the State's COVID-19 response.

(2) Up to \$3,000,000.00 for COVID-19-related testing in hospitals and long-term care facilities.

(3) Up to \$3,000,000.00 for COVID-19-related expenses incurred by designated and specialized service agencies through December 30, 2020.

(4) \$750,000.00 to the Department of Health for health equity and addressing COVID-19-related health disparities. The Department shall conduct outreach to Vermonters at high risk of adverse outcomes from the COVID-19 pandemic based upon factors such as race, ethnicity, Native American heritage or tribal affiliation, nationality or immigrant status, sexual orientation, gender identity, disability, age, geographic location, or English language proficiency. The Department shall customize the outreach to the higher risk Vermonters after consulting with community organizations with demonstrated experience working successfully with the particular population group. The outreach shall address the each population group's unique challenges, if any, in accession COVID-19 testing and in safely meeting essential needs, including food, shelter, health care, and emotional support, during the public health emergency in order to protect themselves and others from COVID-19 and to prevent suicides and other negative effects of social isolation. The Department may contract for the outreach required by this subsection.

(A) Up to \$100,000.00 of the funds available in this subdivision shall be transferred to the Office of Racial Equity in the Agency of Administration for the creation of a dashboard that would track key indicators and life outcomes using an equity lens, for short-term and long-term use. The dashboard would be publicly accessible and would use widely available mapping software and other data visualization tools to aggregate and display relevant statistical data that can inform leaders and communities of the state's progress in narrowing the racial equity gap. The dashboard would be created through inter-agency partnership and through contracting with third-party data experts. Existing data would be populated into the dashboard, and agencies will be notified of the relevant data that they will be required to continue or begin collecting.

Personally identifiable information will be kept secure pursuant to relevant state and federal laws.

(e) Reports.

Sec. B.1121.1 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.

(2) The sum of ~~\$28,000,000.00~~ \$50,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Human Services in fiscal year 2021 for the administration and payment of grants pursuant to the Front-Line Employees Hazard Pay Grant Program established in subdivision (1) of this subsection.

(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:

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

(ii) a nursing home as defined in 33 V.S.A. § 7102 and any employer that a nursing home has contracted with for the provision of physical, speech, respiratory, or occupational therapy, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its employees for therapy services provided in the nursing home;

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

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

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

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

(vii) a homeless shelter, including a lodging establishment as defined in 18 V.S.A. § 4301, that, during the eligible period, provided

temporary housing to homeless individuals pursuant to an agreement with the Department for Children and Families;

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

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

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

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

(xii) a morgue; or

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

(xiv) 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;

(xv) 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;

(xvi) a grocery store;

(xvii) a pharmacy;

(xviii) 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;

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

(xx) a trash collection or waste management service;

(xxi) 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;

(xxii) a vocational rehabilitation service provider;

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

(xxiv) 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.

* * *

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

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

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

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

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

(II) involves regularly cleaning or sanitizing the premises of a covered employer in a location that is regularly used by individuals who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients; or

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

(B) As used in this subdivision (b)(3), “close contact” means interactions with another individual that require the employee to be within six feet of that individual.

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

(i) ~~is~~ was employed during the eligible period by a covered employer that has applied for a grant through the Program;

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

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

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

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

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

* * *

(C) “Eligible employee” does not include:

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

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

* * *

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

* * *

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

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

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

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

(iii) any hours of work performed as an independent contractor or a sole proprietor.

(3)(A) 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.

(B) For an individual who is eligible to receive a hazard pay grant directly from the Program pursuant to subsection (i) of this section, the eligible employee may elect not to receive the hazard pay grant by providing notice pursuant to procedures adopted by the Secretary.

* * *

(7) A covered employer may identify potentially eligible employees who are no longer employed by the employer by providing the former employee's name, mailing address, and any other information required by the Secretary. The Program shall provide the individuals identified with notice of their potential eligibility and information regarding how to apply for a grant pursuant to the provisions of subdivision (j)(1) of section.

* * *

~~(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.~~

(A) The Program shall provide each potentially eligible employee who has been identified as no longer employed by a covered employer with notice that he or she may be eligible to obtain a grant through the Program and information regarding how to apply for a grant. The notice and information shall be sent to the address provided by the individual’s former employer.

(B) The notice sent to each potentially eligible employee pursuant to this subdivision (1) shall inform the individual that he or she may elect to decline the grant and provide him or her with information regarding how to do so.

(2)(A) Eligible employees who apply for a grant pursuant to this subsection (i) shall receive a grant directly from the Program in the appropriate amount set forth in subdivision (c)(1) of this section.

(B) Each eligible employee who receives a grant payment pursuant to this subsection (i) shall, together with his or her grant payment, be provided with written notice that the grant may be subject to income tax.

(j) Any personally identifiable information that is collected by the Program, any entity of State government performing a function of the Program, or any entity that the Secretary contracts with to perform a function of the Program shall be kept confidential and shall be exempt from inspection and copying under the Public Records Act.

Sec. B.1121.2 HAZARD PAY; IDENTIFICATION OF FORMER EMPLOYEES

For each covered employer, as defined in Sec. B.1121.1 of this act, that submitted an application to the Front-Line Employees Hazard Pay Grant Program on or before the effective date of this act, the Secretary shall send notice to the covered employer that it may identify potentially eligible employees who were no longer employed by the employer at the time it submitted its initial application and provide information regarding how to identify such potentially eligible employees to the Program. The Program shall provide the individuals identified with notice of their potential eligibility and information regarding how to apply for a grant pursuant to the provisions of subdivision (i)(1) of Sec. B.1121.1 of this act.

Sec. B.1121.3. DELEGATION OF ADMINISTRATIVE RESPONSIBILITIES

Notwithstanding any provision of 2020 Acts and Resolves No. 136, Sec. 6 to the contrary, the Secretary of Human Services may, with the approval of the Secretary of Administration, delegate administration of specific aspects of the Front-Line Employees Hazard Pay Grant Program to other agencies and departments of the State.

Sec. B.1121.4 2020 Acts and Resolves No. 136, Sec. 14 is amended to read:

Sec. 14. CHILD CARE PROVIDERS, SUMMER CAMPS, AFTERSCHOOL PROGRAMS; PARENT CHILD CENTERS; CHILDREN'S INTEGRATED SERVICES

(a)(1) The sum of \$12,000,000.00 is appropriated from the Coronavirus Relief Fund to the Department for Children and Families in fiscal year 2021 for the purposes of providing:

(A) additional restart grants to summer camps, afterschool programs, and child care providers;

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

(C) the cost incurred by Parent Child Centers in responding to the COVID-19 public health emergency, including the increased demand for services by impacted families; and

(C)(D) funds to address the immediate needs related to providing Children's Integrated Services, including information technology training and the provision of equipment necessary for telehealth services.

(2) The Department shall determine the allocation of funding for this subsection and develop an application process to distribute funds to providers.

(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.

* * *

* * * Economic Stimulus Equity Program * * *

Sec. B.1122 VERMONT CORONAVIRUS ECONOMIC STIMULUS
EQUITY PROGRAM

(a) Definitions. As used in this section:

(1) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136.

(2) "Economic Impact Payment" means a recovery rebate for individuals authorized under section 2201 of the CARES Act as codified in 26 U.S.C. § 6428.

(3) "Eligible adult" means any individual who is a current resident of Vermont, was a resident of Vermont on April 1, 2020, and was ineligible to receive an economic impact payment under the CARES Act due to immigration status.

(4) "Eligible child" means an individual under 18 years of age for whom an eligible adult is a parent or guardian.

(5) "Personally identifiable information" means an individual's:

(A) name;

(B) address;

(C) date of birth;

(D) place of birth;

(E) immigration status;

(F) unique biometric data generated from measurements or technical analysis of human body characteristics used to identify or authenticate the individual, such as a fingerprint, retina or iris image, or other unique physical representation or digital representation of biometric data;

(G) name or address of a member of the individual's immediate family or household;

(H) Social Security number or other government-issued identification number; or

(I) other information that, either alone or in combination with the information listed in subdivisions (A)–(H) of this subdivision (5), would allow a reasonable person to identify the individual with reasonable certainty.

(6) "Resident of Vermont" means any individual living in Vermont who intends to make the State his or her principal place of domicile either permanently or for an indefinite number of years. Individuals who live in the State for a particular purpose involving a defined period of time, including students, migrant workers employed in seasonal occupations, and individuals employed under a contract with a fixed term, are not residents for purposes of this section.

(b) Establishment of Program; eligibility; maximum award.

(1) On or before November 15, 2020, the Agency of Administration shall establish the Vermont Coronavirus Economic Stimulus Equity Program to award direct relief grant payments to eligible adults and eligible children.

(2) In order to receive payment under the Program, an eligible adult shall certify that he or she:

(A) is a resident of Vermont;

(B) was ineligible to receive an economic impact payment under the CARES Act due to reasons of immigration status; and

(C) had an adjusted gross income of less than \$99,000.00 in taxable year 2019 or, if filing jointly, an adjusted gross income of less than \$198,000.00 in taxable year 2019.

(3) Each eligible adult shall receive \$1,200.00 and \$500.00 for each eligible child, provided that an eligible adult shall not receive an award for an eligible child if another applicant received an award for that child.

(4) Each award issued under this section shall be issued as a direct payment from the State of Vermont.

(5) All applications for a payment under this section shall be submitted on or before March 1, 2021.

(c) Administration of Program.

(1) The Program shall be administered by the Agency of Administration in consultation with the Executive Director of Racial Equity and the Agency of Human Services. The Agency of Administration may partner with public or private entities to conduct outreach, provide application assistance, process grant applications, or deliver assistance payments to eligible individuals.

(2) The Agency shall adopt requirements, guidelines, or procedures as necessary to implement and administer the Program. When the Agency adopts requirements, guidelines, or procedure under this subdivision, it shall consider how to disperse payments to applicants who lack banking services or a mailing address to which a payment may be sent. The Agency shall not be required to initiate rulemaking pursuant to 3 V.S.A. § 831(c) in relation to any requirement, guideline, or procedure that is adopted or issued in relation to the Program.

(3) The Agency may utilize staff and resources from any State agency or department as necessary to administer the Program and may partner with any nongovernmental entity to promote or implement the Program.

(d) Contract for implementation. Notwithstanding any provision of law to the contrary, the Agency may enter into contracts, as deemed necessary, with any nongovernmental entity to implement and administer the Program without the need to competitively bid such contracts. For the purposes of the Program, the public health risk posed by COVID-19 shall be deemed to be an emergency situation that justifies the execution of sole source contracts pursuant to Bulletin 3.5, the State's Procurement and Contracting Procedures.

(e) Confidentiality; personally identifiable information. All personally identifiable information that is collected by the Agency through implementation of the Program by any entity of State government performing a function of the Program or by any entity that the Agency contracts with to perform a function of the Program shall be kept confidential and shall be exempt from inspection and copying under the Public Records Act.

(f) Protection of personally identifiable information. The Agency shall ensure that any entity of State government performing a function of the Program or any entity that the Agency contracts with to perform a function of the Program:

(1) implements appropriate procedures and safeguards to protect any personally identifiable information that it obtains in relation to the Program;

(2) shall not disclose an individual's personally identifiable information to another State entity or contractor performing a function of the Program unless that disclosure is necessary for the administration of the Program;

(3) complies with the prohibition on disclosure of personally identifiable information under 20 V.S.A. § 4651; and

(4) complies with all applicable requirements of 9 V.S.A. chapter 62.

(g) Reports.

(1) The Secretary of Administration shall report to the Joint Fiscal Committee at the November meeting of the Committee regarding how the Agency of Administration or its contractors will make payments under the Program, including how payments shall be dispersed to applicants who lack banking services or a mailing address to which a payment may be sent.

(2) On or before April 30, 2021, the Secretary of Administration shall report to the House Committee on Appropriations and the Senate Committee on Appropriations regarding the implementation and administration of the Vermont Coronavirus Economic Stimulus Equity Program. The report shall include:

(A) a summary of the payments awarded under the Program, including the amount of payments awarded;

(B) any challenges encountered by the Agency or contractors in the implementation and administration of the Program; and

(C) a summary of the results or success of the Program.

**Sec. B.1123 APPROPRIATION; VERMONT CORONAVIRUS ECONOMIC
STIMULUS EQUITY PROGRAM; REVERSION**

(a) The amount of \$5,000,000 is appropriated from General Fund in fiscal year 2021 to the Agency of Administration for the administration and payment of grants pursuant to the Vermont Coronavirus Economic Stimulus Equity Program. Up to \$50,000.00 of the funds available under this section may be allocated for the administration of the Program.

(b) In fiscal year 2021 \$3,000,000 is unreserved from the Human Services Caseload Reserve established in 32 V.S.A. § 308b. To the extent that funds appropriated in this section have not been awarded on or before June 30, 2021, the remaining appropriation shall be reverted and reserved in the Human Services Caseload Reserve established in 32 V.S.A. § 308b. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee in July 2021 on any funds reverted and reserved under this subsection.

* * * Agricultural Amendments * * *

Sec. B.1124 AGRICULTURE CRF ASSISTANCE PROGRAMS;
APPLICATION DEADLINES

Notwithstanding the application deadlines in 2020 Acts and Resolves No. 138, Secs. 6 and 7 for the Dairy Assistance Program and the Non-dairy Agricultural Producer and Processor Assistance Program, the deadline for all applications for Coronavirus Relief Fund Assistance from the Agency of Agriculture, Food and Markets shall be November 15, 2020.

Sec. B.1125 2020 Acts and Resolves No. 138, Sec. 8 is amended to read:

Sec. 8. EDUCATION AND OUTREACH; AGRICULTURAL
ASSISTANCE PROGRAMS; REPORTING; REVERSION

* * *

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

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

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

(d)(1) In the ~~September~~ October 1, 2020 report required under subsection (c) of this section, the Secretary of Agriculture, Food and Markets shall provide an accounting of the ~~funds~~ Coronavirus Relief Funds remaining to be appropriated under the Dairy Assistance Program, the Non-dairy Agricultural Producer and Processor Assistance Program, and the Working Lands Enterprise Board.

(2) If Non-dairy Agricultural Producer and Processor Assistance Program funds Coronavirus Relief Funds appropriated to the Dairy Assistance Program remain unappropriated or unencumbered for award after expiration of the initial application deadline on September 15 October 1, 2020, the Secretary of Agriculture, Food and Markets may reallocate funds from the Non-dairy Agricultural Producer and Processor Assistance Program for award under the Dairy Assistance Program up to \$2,000,000.00 of the Coronavirus Relief Funds appropriated to the Dairy Assistance Program to the Non-dairy Agricultural Producer and Processor Assistance Program or to the Working Lands Enterprise Board to meet applicant needs under one or both of those programs.

Sec. B.1126 AGRICULTURE CRF ASSISTANCE PROGRAMS;
APPLICATION PROCESSING; REVERSION

(a) The Secretary of Agriculture, Food and Markets shall process all applications for Coronavirus Relief Fund assistance received prior to the effective date of this act in the order the application was received. Applicants who submitted applications prior to the effective date of this act shall not be required to refile an application.

(b) Notwithstanding 2020 Acts and Resolves No. 137, Sec. 6(d)(3), funds appropriated from the Coronavirus Relief Fund to the Working Lands Enterprise Board under 2020 Acts and Resolves No. 137, Sec. 6(a)(2) shall not revert to the Agency of Commerce and Community Development on November 15, 2020 if unencumbered. Instead, the funds appropriated to the Working Lands Enterprise Board under 2020 Acts and Resolves No. 137, Sec. 6(a)(2)(A) shall remain available for award until the reversion required under 2020 Acts and Resolves No. 137, Sec. 3(4).

(c)(1) Notwithstanding 2020 Acts and Resolves No. 138, Sec. 7(d)(5), it is the intent of the General Assembly that eligible applicants under the Non-dairy Agricultural Producer and Processor Assistance Program that had a net business profit between March 1, 2020 and August 1, 2020 shall be reviewed for eligibility for assistance through the Coronavirus Relief Fund Working Lands Grant Program and that the criterion of no net business profit shall not be applied as a criteria for disqualifying an applicant for Coronavirus Relief Fund assistance from the Agency of Agriculture, Food and Markets.

(2) It is the intent of the General Assembly that a sole proprietor that applies for Coronavirus Relief Fund assistance from the Agency of Agriculture, Food and Markets shall not be disqualified from receiving an award because the sole proprietor has not filed a W-2 form in the 2018 or 2019 taxable year.

Sec. B.1127 FARMERS' MARKETS; RELIEF ASSISTANCE

(a) As used in this section, "farmers' market" means the organization that oversees or manages an event or series of events at which two or more vendors of agricultural products, as defined in 11 V.S.A. § 991, gather for purposes of offering for sale to the public their agricultural products.

(b) If Coronavirus Relief Funds appropriated to the Agency of Agriculture, Food and Markets under 2020 Acts and Resolves No. 138 remain unexpended or unencumbered after October 1, 2020, the Secretary of Agriculture, Food and Markets may use up to \$140,000.00 of the unexpended or unencumbered Coronavirus Relief Funds in fiscal year 2021 for the purpose of awarding grants under this section to farmers' markets in the State that have suffered verifiable lost revenues or expenses caused by the COVID-19 public health emergency.

(c) To be eligible for an award under this section, a farmers' market shall have annual gross sales of less than \$10,000.00. A farmers' market shall demonstrate to the Agency lost revenues or expenses that occurred or accrued on or after March 1, 2020 and before November 1, 2020 due to the COVID-19 public health emergency and shall submit an application by the deadline established by the Agency of Agriculture, Food and Markets. The Agency of Agriculture, Food and Markets shall award grants under this section equitably to all eligible farmers' markets in the State, provided that the maximum amount of an award under this section shall be \$2,000.00.

* * *Allocations, Transfers and Reserves * * *

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$518,000 is appropriated from the Current Use Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$518,000 from the property transfer tax that are deposited into the Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$10,580,695 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Notwithstanding 10 V.S.A. § 312, amounts above \$10,580,695 from the property transfer tax and surcharge established by 32 V.S.A. § 9602a that are

deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(A) The dedication of \$2,500,000 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the affordable housing bond (10 V.S.A. § 314) is to be offset by the reduction of \$1,500,000 in the appropriation to the Vermont Housing and Conservation Board and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2021 appropriation of \$10,580,695 to VHCB reflects the \$1,500,000 reduction and the addition of \$100,000 to support the cost of technical assistance for writing grants. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, the \$1,500,000 reduction in the appropriation to VHCB is intended to be restored.

(3) The sum of \$3,760,599 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,760,599 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,760,599 shall be allocated as follows:

(A) \$2,924,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$457,482 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b); and

(C) \$378,700 to the Agency of Digital Services for the Vermont Center for Geographic Information.

Sec. D.100.1 CARRY FORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, Education Fund, Clean Water Fund (Fund 21932), and Agricultural Water Quality Fund (Fund 21933) appropriations remaining unexpended on June 30, 2021 in the Executive Branch of State government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2021 in the Legislative and Judicial Branches of State government shall be carried forward and shall be designated for expenditure.

Sec. D.100.2 2020 Acts and Resolves No. 109, Sec. 30 is amended read:

Sec. 30 APPLICATION OF FISCAL YEAR 2020 DEFERRED TAX

PAYMENTS COLLECTED IN FISCAL YEAR 2021

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

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

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

(3) Third, in the General Fund Budget Stabilization Reserve, in an amount to bring this reserve balance up to ~~\$81,472,791~~ \$80,365,373.

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

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

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

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

(1) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund created under 6 V.S.A. § 4803: \$3,408,000.

(2) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Lakes in Crisis Special Fund created under 10 V.S.A. § 1315: \$50,000.

(3) From the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$523,966.

(4) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund established by 32 V.S.A. § 951a for funding fiscal year 2022 transportation infrastructure bonds debt service: \$2,505,863.

(5) From the Tobacco Litigation Settlement fund to the General Fund: \$1,657,844.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2021:

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

<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>6,474,593.00</u>
<u>50300</u>	<u>Liquor Control Fund</u>	<u>22,740,000.00</u>
<u>21990</u>	<u>State Health Care Resources Fund</u>	<u>3,000,000.00</u>
<u>62100</u>	<u>Unclaimed Property Fund</u>	<u>2,710,636.00</u>
	<u>Caledonia Fair</u>	<u>5,000.00</u>
	<u>North Country Hospital Loan</u>	<u>24,047.00</u>
<u>21917</u>	<u>Public Funds Investigation Fund</u>	<u>100,000.00</u>

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its next meeting following the final amounts being transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

<u>21638</u>	<u>AG-Fees & reimbursement – Court order</u>	<u>2,250,000.00</u>
<u>21928</u>	<u>Secretary of State Services Funds</u>	<u>2,867,898.00</u>

(3) Notwithstanding 2016 Acts and Resolves No. 172, Section E. 228, \$40,368,350 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), the Financial Institution Regulatory and Supervision Fund (Fund Number 21065), and the Securities Regulatory and Supervision Fund (Fund Number 21080) shall be transferred to the General Fund.

(c) Notwithstanding any provisions of law to the contrary, in fiscal year 2021:

(1) The following amounts shall revert to the General Funds from the Accounts indicated:

<u>1100891701</u>	<u>AOA – Security Improvements</u>	<u>597.25</u>
<u>1105500000</u>	<u>Comm & Info Technology</u>	<u>23,186.10</u>
<u>1110003000</u>	<u>Budget & Management</u>	<u>100,000.00</u>
<u>1120020000</u>	<u>Tuition Assistance Program</u>	<u>158,596.48</u>

<u>1130030000</u>	<u>Department of Libraries</u>	<u>83,465.46</u>
<u>1140010000</u>	<u>Tax Operation Costs</u>	<u>147,169.75</u>
<u>1140040000</u>	<u>Homeowner Rebates</u>	<u>970,887.77</u>
<u>1140060000</u>	<u>Reappraisal & Listing Payments</u>	<u>274,918.00</u>
<u>1140070000</u>	<u>Use Tax Reimbursement Program</u>	<u>100,858.00</u>
<u>1150500000</u>	<u>BGS Purchasing</u>	<u>190,861.33</u>
<u>1210002000</u>	<u>Legislature</u>	<u>350,000.00</u>
<u>1220000000</u>	<u>Joint Fiscal Office</u>	<u>25,000.00</u>
<u>1240001000</u>	<u>Lieutenant Governor</u>	<u>4,577.90</u>
<u>1250010000</u>	<u>Auditor of Accounts</u>	<u>98,067.65</u>
<u>1260010000</u>	<u>Treasurer</u>	<u>50,756.00</u>
<u>2100001000</u>	<u>Attorney General</u>	<u>285,007.00</u>
<u>2100891701</u>	<u>Tobacco Master Settlement – Diligent enforcement</u>	<u>68,161.12</u>
<u>2110000100</u>	<u>Public Defense</u>	<u>100,000.00</u>
<u>2110010000</u>	<u>Assigned Counsel</u>	<u>5.93</u>
<u>2120000000</u>	<u>Judiciary</u>	<u>1,415,000.00</u>
<u>2130100000</u>	<u>State’s Attorneys</u>	<u>386,007.96</u>
<u>2130200000</u>	<u>Sheriffs</u>	<u>498,806.86</u>
<u>2130400000</u>	<u>Special investigative unit</u>	<u>42,839.13</u>
<u>2140010000</u>	<u>DPS – State Police</u>	<u>209,538.68</u>
<u>2140030000</u>	<u>DPS – Emergency Management</u>	<u>18,698.43</u>
<u>2150010000</u>	<u>Military – administration</u>	<u>986,987.68</u>
<u>2200030000</u>	<u>Ag Development Division</u>	<u>50,000.00</u>
<u>2280001000</u>	<u>Human Rights Commission</u>	<u>32,510.44</u>
<u>3150070000</u>	<u>Mental Health</u>	<u>438,632.00</u>
<u>3150891902</u>	<u>DMH – Critical Access Hospitals</u>	<u>16,802.23</u>
<u>3310000000</u>	<u>Commission on Women</u>	<u>9,315.16</u>
<u>3310891801</u>	<u>VCW – Sexual Harass Public Outreach</u>	<u>20,794.35</u>

<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>304,288.84</u>
<u>3400001000</u>	<u>Secretary's Office Admin Costs</u>	<u>456,648.67</u>
<u>3400004000</u>	<u>Global Commitment</u>	<u>6,451,752.42</u>
<u>3400010000</u>	<u>Human Services Board</u>	<u>25,000.00</u>
<u>3400891804</u>	<u>AHSCO – Medicaid Financial Require</u>	<u>693,332.98</u>
<u>3400891902</u>	<u>AHSCO – Elec Med/Health Records Syst</u>	<u>36,106.00</u>
<u>3410010000</u>	<u>DVHA – Administration</u>	<u>17,409.43</u>
<u>3410017000</u>	<u>DVHA – Programs - State Only</u>	<u>0.35</u>
<u>3480001000</u>	<u>Department of Corrections – Administration</u>	<u>171,141.94</u>
<u>3420021000</u>	<u>Department of Health – Public Health</u>	<u>611,354.34</u>
<u>3420060000</u>	<u>Department of Health – ADAP</u>	<u>256,286.12</u>
<u>3440010000</u>	<u>Department for Children & Families – Admin & Support Services</u>	<u>2,340,774.40</u>
<u>3440050000</u>	<u>Department for Children & Families – AABD</u>	<u>74,877.24</u>
<u>3440060000</u>	<u>Department for Children & Families – General Assistance</u>	<u>1,005,971.77</u>
<u>3440080000</u>	<u>Department for Children & Families – Reach Up</u>	<u>601,823.99</u>
<u>3440120000</u>	<u>Department for Children & Families – Woodside</u>	<u>435,335.04</u>
<u>3460010000</u>	<u>DAIL – Administration</u>	<u>300,000.14</u>
<u>3480001000</u>	<u>Department of Corrections – Administration</u>	<u>71,141.9</u>
<u>3480002000</u>	<u>Department of Corrections – Parole Board</u>	<u>23,571.32</u>
<u>3480003000</u>	<u>Department of Corrections – Education</u>	<u>58,556.50</u>
<u>3480004000</u>	<u>Department of Corrections – Correctional Services</u>	<u>4,885,587.79</u>
<u>3480006000</u>	<u>Department of Corrections – Out of State Beds</u>	<u>109,339.10</u>
<u>4100500000</u>	<u>Department of Labor</u>	<u>200,000.00</u>
<u>5100010000</u>	<u>Agency of Education – Administration</u>	<u>91,312.39</u>

<u>5100060000</u>	<u>Agency of Education – Adult Basic Education</u>	<u>14,497.00</u>
<u>5100070000</u>	<u>Agency of Education – Education Services</u>	<u>123,118.58</u>
<u>5100210000</u>	<u>Agency of Education – Flexible Pathways</u>	<u>31,539.35</u>
<u>5100400000</u>	<u>Agency of Education – State Board of Education</u>	<u>47,416.83</u>
<u>5100891803</u>	<u>AOE – Advisory Group Compensation</u>	<u>4,533.97</u>
<u>5100892001</u>	<u>AOE – Workgroup Expense Reimbursement</u>	<u>15,090.51</u>
<u>6100010000</u>	<u>Admin., Management & Planning</u>	<u>8,162.47</u>
<u>6100040000</u>	<u>Property Tax Assessment Appropriation</u>	<u>48,650.41</u>
<u>7100000000</u>	<u>ACCD – Administration</u>	<u>196,074.00</u>
<u>7100891902</u>	<u>ACCD – Workforce Development</u>	<u>750,000.00</u>
<u>7120010000</u>	<u>Economic Development</u>	<u>750,000.00</u>

(2) The following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100040000</u>	<u>Special Education</u>	<u>5,770,436.00</u>
<u>5100050000</u>	<u>State placed Students</u>	<u>3,303,708.00</u>
<u>5100090000</u>	<u>Education Grants</u>	<u>1,907,842.00</u>
<u>5100110000</u>	<u>Small Schools</u>	<u>596,191.00</u>
<u>5100190000</u>	<u>Essential Early Education</u>	<u>360,491.00</u>
<u>5100200000</u>	<u>Technical Education</u>	<u>1,713,671.00</u>
<u>5100010000</u>	<u>Administration</u>	<u>115,260.00</u>
<u>5100891804</u>	<u>Education Funding Study</u>	<u>2,401.00</u>
<u>1140060000</u>	<u>Reappraisal & Listing Payments</u>	<u>190,948.00</u>
	<u>Total</u>	<u>13,960,950</u>

(3) The following amounts shall revert to the Tobacco Fund from the accounts indicated:

<u>3400891802</u>	<u>Invest Substance Use Treat</u>	<u>2,000,000</u>
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(d) In fiscal year 2021, the following General Fund reserves shall be made:

(1) Pursuant to 32 V.S.A. § 308 and Section D.100.2 of this Act, \$541,962 shall be reserved in the General Fund Budget Stabilization Reserve.

(e) In fiscal year 2021, \$2,148,800 is unreserved from the Transportation Fund Stabilization Fund established in 32 V.S.A. § 308a.

Sec. D.102 CONTRIBUTION TO THE 27/53 RESERVE

(a) \$1,850,000 general fund shall be reserved in the 27/53 reserve in fiscal year 2021. This action is the fiscal year 2021 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. §308e.

Sec. D.103 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103, as amended by 2013 Acts and Resolves No. 1, Sec. 65, as amended by 2014 Acts and Resolves No. 95, Sec. 62, as amended by 2018 Acts and Resolves No. 87, Sec. 47, as amended by 2018 (Sp. Sess.) Acts and Resolves No. 11 Sec. E.111.1, as amended by 2019 Acts and Resolves No. 6, Sec.102 is further amended to read:

Sec. 282 TAX COMPUTER SYSTEM MODERNIZATION FUND

(a) Creation of fund.

(1) There is established the Tax Computer System Modernization Special Fund to consist of:

* * *

~~(C) Thirty percent of the incremental tax receipts received as a direct result of the implementation of the integrated tax system beginning in calendar year 2014, including any additional data warehouse modules. The Commissioner of Finance and Management shall approve baseline tax receipts in order to measure the increment from the new integrated tax system. An amount not to exceed two percent of the total revenue collected from billed and offset liabilities made by the Department of Taxes.~~

* * *

Sec. D.104 2019 Acts and Resolves No. 72, Sec. C.115 is amended to read:

Sec. C.115 SPECIAL FUND APPROPRIATION FOR TAX COMPUTER SYSTEMS

(a) In fiscal year 2019, \$10,000,000 is appropriated to the Department of Taxes from the Tax Computer System Modernization Special Fund established pursuant to 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103, as amended by 2013 Acts and Resolves No. 1, Sec. 65, as amended by 2014 Acts and Resolves No. 95, Sec. 62, as amended by 2018 Acts and Resolves No. 87, Sec. 47, as amended by 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.111.1, and as further

amended by 2019 Acts and Resolves No. 6, Sec. 102. This appropriation shall carryforward through fiscal year 2022 2025.

* * * GENERAL GOVERNMENT * * *

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following permanent classified positions is authorized in fiscal year 2021 and shall be transferred and converted from existing vacant positions in the Executive Branch and shall not increase the total number of authorized State positions, as defined in Section A.107 of this Act:

(1) In the Agency of Agriculture, Food and Markets' Clean Water Division – Two (2) positions as follows,

(A) Two (2) Water Quality Specialist II positions.

Sec. E.100.1 10 V.S.A. § 1389b(a) is amended to read:

(a) On or before January 15, 2024 2023, the Secretary of Administration shall submit to the House and Senate Committees on Appropriations, the Senate Committee on Finance, the House Committee on Ways and Means, the Senate Committee on Agriculture, the House Committee on Agriculture and Forestry, the Senate Committee on Natural Resources and Energy, and the House Committee on Natural Resources, Fish, and Wildlife a program audit of the Clean Water Fund. The audit shall include:

* * *

Sec. E.100.2 2014 Acts and Resolves No. 179, Sec. E100(d), as amended by 2015 Acts and Resolves No. 4, Sec. 74, 2106 Acts and Resolves No. 172, Sec. E.100.2, 2017 Acts and Resolves No. 85, Sec. E.100.1, amended by 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.100.1 and by 2020 Acts and Resolves No. 120, Sec. A.7 is further amended to read:

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

* * *

(7) This Pilot shall sunset on ~~September 30, 2020~~ July 1, 2021, unless extended or modified by the General Assembly.

Sec. E.111 Tax – administration/collection

(a) Of this appropriation, \$15,000 is from the Current Use Administration Special Fund established by 32 V.S.A. § 9610(c) and shall be used for programming changes to the CAPTAP software used by municipalities for establishing property values and administering their grand lists.

* * * Tax Increment Financing Districts * * *

Sec. E.111.1 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. E.111.2 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.~~

Sec. E.111.3 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect on December 31, ~~2018~~ 2019, but without regard to federal income tax rates under 26 U.S.C. § 1, are hereby adopted for the purpose of computing the tax liability under this chapter.

Sec. E.111.4 32 V.S.A. § 7402(8) is amended to read:

(8) "Laws of the United States" means the U.S. Internal Revenue Code of 1986, as amended through December 31, ~~2018~~ 2019. As used in this chapter, "Internal Revenue Code" has the same meaning as "laws of the United States" as defined in this subdivision.

Sec. E.111.5 PETITIONS FOR TY 2016 REFUNDS; COVID-19 PUBLIC
HEALTH EMERGENCY

Notwithstanding 32 V.S.A. § 5884(a), after April 15, 2020 and on or before July 15, 2020, the Commissioner of Taxes shall accept a taxpayer's petition for refund with respect to income tax returns filed for the taxable year 2016. If the Commissioner determines that the taxpayer has paid an amount of income tax under 32 V.S.A. chapter 151 that, as of the date of the determination, exceeds the amount of tax liability owing from the taxpayer to the State, the Commissioner shall forthwith refund the excess amount to the taxpayer together with interest pursuant to 32 V.S.A. § 5884(b).

Sec. E.112 ELECTRIC LAWNMOWERS, LEAF BLOWERS, AND
TRIMMERS; DEPARTMENT OF BUILDINGS AND
GENERAL SERVICES

(a) Beginning on October 1, 2020, the Department of Buildings and General Services shall only purchase, lease, or acquire electric lawnmowers, leaf blowers, and trimmers, provided a functional equivalent electric product is available.

Sec. E.125 LEGISLATIVE COUNCIL RESTRUCTURING

(a) To implement the provisions of 2020 Acts and Resolves No. 144, An act relating to restructuring and reorganizing General Assembly staff offices, the Department of Finance and Management shall work with the Legislative Branch to establish a new business unit for the Office of Legislative Counsel and for the Office of Legislative Information Technology. The establishment of these new business units, as well as associated changes to internal service billing and/or other budget-related matters shall be accomplished in time for fiscal year 2022 budget development.

Sec. E.126 2020 Acts and Resolves No. 120, Sec. A.49(a)(1) is amended to read:

(1) Legislature: \$2,000,000 is appropriated to the Legislature for costs incurred ~~for an estimated six-week extension of the~~ during the 2020 session in fiscal year 2021 (August and September 2020) due to the response to the Coronavirus pandemic. This extension to legislative work may be conducted in a remote or partially remote manner. Funds may be transferred to appropriation units within the General Assembly as necessary to reimburse eligible fiscal year 2020 and 2021 expenditures. Any transfers shall be reviewed and approved through traditional transfer approval processes by the Secretary of Administration and shall be reported by the Joint Fiscal Office to

the Joint Legislative Management Committee and the Commissioner of Finance and Management.

Sec. E.126.1 GENERAL ASSEMBLY; ALTERNATIVE LOCATION AND
MANNER OF CONVENING, ORGANIZING, AND
HOLDING SESSIONS OF THE 2021–22 LEGISLATIVE
BIENNIUM

(a) If the COVID-19 global pandemic necessitates a departure from the customary convening and organizing procedures of either chamber of the General Assembly, the Rules Committee of the respective chamber shall, not later than December 31, 2020, adopt alternative procedures to allow for the safe and orderly convening and organizing of the chamber. The House and Senate Rules Committees may also draft temporary rules to be considered for adoption on the day of organization to address all subsequent meetings of committees or the full chamber. The Joint Rules Committee may adopt draft temporary joint rules to be considered for adoption on the day of organization to address the manner of conducting joint assemblies.

Sec. E.126.2 USE OF SPACE; FINDINGS; PURPOSE

(a) The General Assembly currently finds that it is may be necessary for the Legislative Branch to use space in addition to the State House in Montpelier during the 2021–22 biennium to meet social distancing requirements and mitigate the public health impacts of the COVID-19 pandemic.

(b) The purpose of Sec. E.126.3 of this act is to provide an alternate alternative locations, if necessary, during the 2021–22 biennium of the General Assembly for the Legislative Branch to use in order to protect the public health, safety, and welfare during the COVID-19 pandemic while also maintaining the ability of the Legislative Branch to perform its constitutional legislative duties.

Sec. E.126.3 GENERAL ASSEMBLY; STATE BUILDINGS; USE OF
SPACE; AUTHORITY OF SERGEANT AT ARMS; 2021–22
LEGISLATIVE BIENNIUM

(a) Notwithstanding the provisions of 29 V.S.A. § 165 and any other provision of law to the contrary, the Legislative Branch shall have exclusive use of the following locations during the 2021–22 legislative biennium in order to perform its constitutional duties:

(1) 133 State Street:

(A) Basement: stock room and rooms 012, 016, 015, 021, and 022.

(B) First Floor: rooms 121, 122, and 126.

(C) Fourth Floor: board room.

(D) Fifth Floor: entire floor.

(2) 109 State Street:

(A) Basement: rooms B07 and B015 and surrounding space;

(B) Second floor: rooms 264, 267, 268, and 270.

(C) Fourth floor: conference room.

(3) 111 State Street: library stacks room on the second floor.

(b) The Sergeant at Arms shall consult with the Commissioner of Buildings and General Services on ways to minimize any disruption to State employees if space in a State building is needed.

(c) The authority of the Sergeant at Arms set forth in 2 V.S.A. chapter 62 shall apply in any rooms or spaces occupied by the Legislative Branch.

Sec. E.126.4 BODY CAMERAS

The Sergeant-at-Arms shall present a draft policy regarding the use of body cameras by Capitol Police to the Joint Legislative Management Committee not later than November 30, 2020. The Joint Legislative Management Committee shall adopt an interim policy not later than December 31, 2020.

Sec. E.127 2020 Acts and Resolves No. 109, Sec. 36(a)(1) is amended to read:

(1) Joint Fiscal Committee: \$600,000 is appropriated to the Legislative Joint Fiscal Committee for use or transfer to appropriation units within the General Assembly as necessary to reimburse eligible fiscal year 2020 and 2021 expenditures. The transfers shall be reviewed and approved through traditional transfer approval processes by the Secretary of Administration. The Joint Fiscal Office shall provide a list of the COVID-19 expenditures funded by this appropriation and related documentation and transfers to other legislative departments to the Joint Legislative Management Committee, the Joint Fiscal Committee, and the Commissioner of Finance and Management ~~on or before July 30, 2020.~~

Sec. E.130 32 V.S.A. § 168 is amended to read:

§ 168. SINGLE AUDIT REVOLVING FUND

(a)(1) The Single Audit Revolving Fund is established within the State Treasury, to be administered by the Auditor of Accounts, from which payments may be made for the costs of audits performed pursuant to

~~subdivision~~ subdivisions 163(1) and (2) of this subchapter and 24 V.S.A. § 290b.

(2) All monies received from charges made for audit services under the provisions of subsection (b) of this section and sums that may be appropriated to the Fund shall be deposited in the Fund.

(3) Any balance remaining in the Fund at the end of any fiscal year shall be carried forward and remain a part of the Fund.

(b)(1) The Auditor of Accounts shall charge the State department, agency, commission, instrumentality, political subdivision, or State-created authority audited for the direct and indirect costs of an audit performed pursuant to ~~subdivision~~ subdivisions 163(1) and (2) of this subchapter and 24 V.S.A. § 290b.

(2) Costs shall be determined by the Auditor of Accounts and costs associated with subdivisions 163(1) and (2) of this subchapter shall be approved by the Secretary of Administration.

Sec. E.130.1 24 V.S.A. § 290b is amended to read:

§ 290b. AUDITS

* * *

(c) The Auditor of Accounts and his or her designee may at any time examine the records, accounts, books, papers, contracts, reports, and other materials of the county sheriff departments as they pertain to the financial transactions, obligations, assets, and receipts of that department. The Auditor, or his or her designee, shall conduct an audit of the accounts for a sheriff's department whenever the incumbent sheriff leaves office, and the auditor shall charge for the costs of the report pursuant to 32 V.S.A. § 168(b).

(d) Annually, each sheriff shall furnish the Auditor of Accounts on forms provided by the Auditor a financial report reflecting the financial transactions and condition of the sheriff's department. The sheriff shall submit a copy of this report to the assistant judges of the county. The assistant judges shall prepare a report reflecting funds disbursed by the county in support of the sheriff's department and forward a copy of their report to the Auditor of Accounts. The Auditor of Accounts shall compile the reports and submit one report to the House and Senate Committees on Judiciary. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the required report to be made under this subsection.

(e) Biennially, according to a schedule established by the Auditor of Accounts, ~~each sheriff~~ the Auditor shall retain a public accountant ~~selected by~~

~~the sheriff and the assistant judges to conduct an audit of the financial systems, controls, and procedures within the each department. The public accountant shall prepare a written report detailing the review of the department. A copy of this report shall be forwarded to the sheriff, assistant judges, and the Auditor of Accounts. The cost of this report Auditor shall be paid by the Secretary of Administration, Auditor of Accounts, and the sheriff's department, in equal amounts charge for the costs of the report pursuant to 32 V.S.A. § 168(b).~~

Sec. E. 130.2 PANDEMIC USE OF STATE PAID SHERIFF'S DEPUTIES

(a) The Auditor of Accounts shall review the use of State-paid sheriff's deputies statewide during the pandemic period from March 2020 through July 2020 and shall report any findings regarding funding sources used or revenue generated by sheriffs resulting from the use of deputies to the House and Senate Committee on Judiciary on or before January 15, 2021.

Sec. E.131 CAPITAL DEBT AFFORDABILITY ADVISORY COMMITTEE; CALENDAR YEAR 2020 ANNUAL REPORT

(a) Notwithstanding 32 V.S.A. §§ 1001 and 1001a, or any other provisions of law, in calendar year 2020, the Capital Debt Affordability Advisory Committee shall submit to the Governor and the General Assembly the Committee's estimate of net State tax-supported debt that prudently may be authorized for the next fiscal year, together with a report exploring the basis for the estimate on or before October 30, 2020.

Sec. E.133 Vermont state retirement system

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

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation in Sec. B.139 of this act, \$9,000 shall be transferred to the Attorney General and \$70,000 shall be transferred to the Department of Taxes, Division of Property Valuation and Review and reserved and used with any remaining funds from the amount previously transferred for final payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. and its successor Great River Hydro, LLC in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. E.142 Payments in lieu of taxes

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

Sec. E.143 Payments in lieu of taxes – Montpelier

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

Sec. E.144 Payments in lieu of taxes – correctional facilities

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

* * * PROTECTION TO PERSONS AND PROPERTY * * *

Sec. E.200 Attorney general

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

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$1,390,500 is appropriated in Sec. B.200 of this act.

Sec. E.200.1 3 V.S.A. § 167 is amended to read:

~~§ 167. PUBLIC FUNDS INVESTIGATION SPECIAL FUND~~

~~There is established a Public Funds Investigation Special Fund, pursuant to 32 V.S.A. chapter 7, subchapter 5. At the end of each fiscal year, revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4) may be used to bring the unencumbered Fund balance up to \$100,000.00. Monies in the Fund shall be available for expenditure by the Attorney General and State's Attorneys to pay expenses, as the Attorney General and the State Auditor shall agree, for independent contractors, including accountants, necessary for investigation and prosecution of embezzlement or other financial crimes in which public funds are alleged to have been misused. [Repealed.]~~

Sec. E.200.2 9 V.S.A. § 2458(b) is amended to read:

(b) In addition to the foregoing, the Attorney General or a State's Attorney may request, and the court is authorized to render any other temporary or permanent relief, or both, as may be in the public interest including:

(1) the imposition of a civil penalty of not more than \$10,000.00 for each unfair or deceptive act or practice in commerce, and of not more than \$100,000.00 for an individual or \$1,000,000.00 for any other person for each unfair method of competition in commerce;

(2) an order for restitution of cash or goods on behalf of a consumer or a class of consumers similarly situated;

(3) an order requiring reimbursement to the State of Vermont for the reasonable value of its services and its expenses in investigating and prosecuting the action;

(4) amounts other than consumer restitution recovered by the Attorney General or Department of State's Attorneys and Sheriffs under this chapter, but not to exceed amounts annually appropriated, or authorized pursuant to ~~3 V.S.A. § 167~~ or 32 V.S.A. § 511, shall be deposited into special funds which shall be available to the Attorney General or Department of State's Attorneys and Sheriffs, respectively to offset the costs of providing legal services.

Sec. E.204 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. C.106, as amended by 2019 Acts and Resolves No. 6, Sec. 91, is further amended to read:

Sec. C.106 CHINS CASES SYSTEM-WIDE REFORM

(a) The sum of \$7,000,000 is appropriated from the Tobacco Litigation Settlement Fund to the Judiciary in fiscal year 2018 and shall carry forward for the uses and based on the allocations set forth in subsections (b) and (c) of this section. The purpose of the funds is to make strategic investments to transform the adjudication of CHINS cases in Vermont.

(b) The sum appropriated from the Tobacco Litigation Settlement Fund in subsection (a) of this section shall be allocated as follows:

(1) \$1,250,000 for use in fiscal year 2019 or to be carried forward as follows:

(2) ~~\$2,500,000 for fiscal year 2020, for which the group shall provide proposed expenditures as part of its fiscal year 2020 budget request or budget adjustment request, or both; \$1,841,664 for fiscal year 2021, or to be carried forward, to be used as recommended in the CHINS Reform Workgroup Budget dated March 24, 2020;~~

(3) \$2,500,000 for fiscal year 2021, for which the group shall provide proposed expenditures as part of its fiscal year 2021 budget request or budget adjustment request, or both; and \$2,765,964 for fiscal year 2022, or to be carried forward, to be used as recommended by the CHINS Reform Workgroup Budget dated March 24, 2020; and

(4) 750,000 \$1,142,372 in fiscal year 2022 2023 or after as needed.

* * *

Sec. E.209 Public safety – state police

(a) Of this appropriation, \$35,000 in special funds shall be available for snowmobile law enforcement activities and \$35,000 in general funds shall be available to the Southern Vermont Wilderness Search and Rescue Team, which comprises State Police, the Department of Fish and Wildlife, county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) Of this appropriation, \$405,000 is allocated for grants in support of the Drug Task Force. Of this amount, \$190,000 shall be used by the Vermont Drug Task Force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the Commissioner to fund the work of the Drug Task Force or carried forward.

Sec. E.209.1 20 V.S.A. § 1818 is added to read:

§ 1818. EQUIPMENT OF OFFICERS WITH VIDEO RECORDING DEVICES

The Department shall ensure that all members assigned to the Vermont State Police Field Force Division who routinely engage with members of the public related to the enforcement of laws are equipped with a body camera or other video recording device on his or her person.

Sec. E.209.2 2020 Acts and Resolves No. 147, Sec. 8 is amended to read:

Sec. 8. DEPARTMENT OF PUBLIC SAFETY; VIDEO RECORDING DEVICES; ONGOING COSTS

The Department of Public Safety shall immediately initiate the acquisition and deployment of video recording devices to comply with the requirements of 20 V.S.A. § 1818. The ongoing costs of the devices that cannot be accommodated within the Department's budget shall be included in the Department's fiscal year 2021 budget proposal to the General Assembly in August of 2020. The Department shall complete the deployment of video

recording devices in accordance with the requirements of 20 V.S.A. § 1818 on or before March 31, 2021.

Sec. E.209.3 VIDEO RECORDING DEVICE: REPEAL

(a) 2020 Acts and Resolves No. 147, Sec. 7 (equipment of officers with video recording devices) is repealed.

Sec. E.212 Public safety – fire safety

(a) Of this General Fund appropriation, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force for the purpose of designing dry hydrants.

Sec. E.215 Military – Administration

(a) The amount of \$953,906 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard Educational Assistance program established in 16 V.S.A. § 2856 and the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

(b) Subsection (a) of this section supersedes the disbursement referenced in 2020 Acts and Resolves No. 120, Sec. A.23.

Sec. E.215.1 VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM; COVID-19

(a) Findings and purpose.

(1) An eligible member of the Vermont National Guard is entitled to certain tuition benefits for courses taken at Vermont postsecondary educational institutions under the Vermont National Guard Tuition Benefit Program (16 V.S.A. § 2857).

(2) One of the eligibility requirements to participate in this Program is that the member must have successfully completed basic training.

(3) Due to safety measures implemented to address the COVID-19 pandemic, the number of available basic training slots has been reduced, making it impossible for members who are new enlistees to complete basic training prior to the fall college semester.

(4) The purpose of this section is to allow these new enlistees to gain the benefits of the Program if they would otherwise qualify to participate in the Program.

(b) Interim Vermont National Guard Tuition Benefit Program. The Interim Vermont National Guard Tuition Benefit Program (Interim Program) is created solely for new enlistees who have not completed basic training due solely to

the reduced number of available basic training slots as a result of safety measures implemented to address the COVID-19 pandemic. The structure, administration, and terms and conditions of this Interim Program shall be identical to the Vermont National Guard Tuition Benefit Program under 16 V.S.A. § 2857, except that the Interim Program shall not require that a member has successfully completed basic training. Eligible members under the Interim Program shall be entitled to this tuition benefit for courses offered by participating postsecondary educational institutions only during the fall 2020 semester.

(c) Vermont National Guard Tuition Benefit Program waiver. For new enlistees who want to use the tuition benefit under the Vermont National Guard Tuition Benefit Program established under 16 V.S.A. § 2857 for the spring 2021 semester and thereafter but have not completed basic training due solely to the reduced number of available basic training slots as a result of safety measures implemented to address the COVID-19 pandemic, the requirement to have successfully completed basic training (16 V.S.A. § 2857(c)(2)) is waived.

(d) Verification of future basic training. Before funds are allocated to a member under subsection (b) or (c) of this section, the Adjutant General shall provide verification to VSAC that the member has a reservation for a future basic training class.

(e) Service commitment. Academic attendance under the Interim Program shall count toward the member's service commitment under the Vermont National Guard Tuition Benefit Program, 16 V.S.A. § 2857(d).

(f) Other Program waivers authorized as necessary. In order to accommodate the Program changes described in subsections (b) and (c) of this section, where prompted by COVID-19 pandemic conditions the Adjutant General, on the recommendation of VSAC, may waive or partially suspend certain administrative and documentation requirements of the Program.

(g) Repeal. This section is repealed on the date that the Adjutant General certifies to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Government Operations that all members who had not completed basic training due solely to the reduced number of available basic training slots as a result of safety measures implemented to address the COVID-19 pandemic have successfully completed, or are currently attending, basic training. A copy of this certification shall be sent at the same time to the Office of Legislative Counsel.

Sec. E.219 Military – Veterans' Affairs

(a) Of this appropriation, \$1,000 shall be used for continuation of the Vermont Medal Program; \$4,800 shall be used for the expenses of the Governor's Veterans' Advisory Council; \$7,500 shall be used for the Veterans' Day parade; \$5,000 shall be used for the Military, Family, and Community Network; and \$10,000 shall be granted to the American Legion for the Boys' State and Girls' State programs.

Sec. E.220 Center for crime victim services

(a) Notwithstanding 20 V.S.A. § 2365(c), the Vermont Center for Crime Victim Services shall transfer \$52,699.60 from the Domestic and Sexual Violence Special Fund established in 13 V.S.A. § 5360 to the Criminal Justice Training Council for the purpose of funding one-half the costs of the Domestic Violence Trainer position. The other half of the position will be funded with an appropriation to the Criminal Justice Training Council.

Sec. E.224 Agriculture, food and markets – agricultural development

(a) Of the funds appropriated in Sec. B.224 of this act, the amount of \$594,000 in general funds is appropriated for expenditure by the Working Lands Enterprise Board established in 6 V.S.A. § 4606 for investments in food and forest system businesses and services providers pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5, as amended by 2014 Acts and Resolves No. 179, Sec. E.224.1.

* * * Renewal of Alcoholic Beverage Licenses * * *

Sec. E.237.1. 7 V.S.A. § 205 is amended to read:

§ 205. TERMS OF PERMITS, LICENSES, AND CERTIFICATES

(a) All permits, licenses, and certificates shall expire ~~midnight, April 30, of each~~ one year after the date of issuance.

* * *

Sec. E.237.2. TRANSITIONAL PROVISION; STAGGERED LICENSE RENEWAL

The Department of Liquor and Lottery may extend the expiration date and stagger the issuance or renewal of permits, licenses, and certificates that are set to expire in the years 2020 and 2021. Permits, licenses, and certificates that are renewed on April 30, 2020 shall remain valid for one year or until a later renewal date designated by the Department.

* * * HUMAN SERVICES * * *

Sec. E.300 DEPOSIT AND USE OF MASTER SETTLEMENT FUND

(a) Deposit of Master Tobacco Settlement receipts and appropriations of Tobacco Settlement funds in fiscal year 2021 are made, notwithstanding 2013 Acts and Resolves No. 50, Sec. D.104.

Sec. E.300.1 FUNDING FOR THE OFFICE OF THE HEALTH CARE
ADVOCATE

(a) Of the funds appropriated in Sec. B.300 of this act, \$1,457,406 shall be used for the contract with the Office of the Health Care Advocate.

Sec. E.300.2 FUNDING FOR SPRINGFIELD BANKRUPTCY
SETTLEMENT

(a) Of the funds appropriated in Sec. B.300 of this act, \$6,000,000 shall be used for the purposes of making a payment to Springfield Hospital and Springfield Medical Care System as a result of a bankruptcy proceeding.

Sec. E.301 Secretary's office – Global Commitment:

(a) The Agency of Human Services shall use the funds appropriated in this section for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, the Department of Vermont Health Access, as provided for in the Global Commitment for Health Waiver (Global Commitment) approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the State funds appropriated in this section, a total estimated sum of \$24,283,719 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$21,467,550 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount, combined with \$29,032,450 of federal funds appropriated in Sec. B.301 of this act, equals a total estimated expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$2,816,169 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. E.301.1 Secretary's office – Global Commitment

(c) Up to \$10,600,000 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 – Secretary’s Office – Global Commitment of this act.

Sec. E.301.2 GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER;
REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2021, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2021 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. E.301.3 2020 Acts and Resolves No. 120 (First Quarter Budget of Fiscal Year 2021) is amended by striking out Sec. A.24a in its entirety and inserting in lieu thereof a new Sec. A.24a. to read as follows:

Sec. A24.a GLOBAL COMMITMENT WAIVER AMENDMENT

(a) The Secretary of Human Services is authorized to seek a no-change extension of Vermont’s Global Commitment to Health Section 1115 Demonstration for the period of January 1, 2022 through December 31, 2023 from the Centers for Medicare and Medicaid Services. If a true no-change extension is not permitted by the Centers for Medicare and Medicaid Services, the Secretary is authorized to seek an extension of Vermont’s Global Commitment to Health Section 1115 Demonstration for the period of January 1, 2022 through December 31, 2026, or an earlier date.

Sec. E.301.4 GLOBAL COMMITMENT MATCHING FUNDS FOR
NEWBORN HOME VISITING

(a) \$154,679 of the general funds appropriated in Sec. B.301 of this act shall be used as matching funds for Global Commitment expenditures for newborn home visiting.

Sec. E.306 VERMONT HEALTH BENEFIT EXCHANGE RULES

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

Sec. E.307 33 V.S.A. § 1999 is amended to read:

§ 1999. CONSUMER PROTECTION RULES; PRIOR AUTHORIZATION

(a)(1) The Pharmacy Best Practices and Cost Control Program shall authorize pharmacy benefit coverage when a patient's health care provider prescribes a prescription drug not on the preferred drug list, or a prescription drug ~~which~~ that is not the list's preferred choice, if ~~either~~ any of the circumstances set forth in subdivision (2) or (3) of this subsection applies.

(2)(A) The Program shall authorize coverage under the same terms as coverage for preferred choice drugs if the prescriber determines, after consultation with the pharmacist, or with the participating health benefit plan if required by the terms of the plan, that one or more of the following circumstances apply:

(i) ~~the~~ The preferred choice ~~has~~ has or ~~choices~~ choices have not been effective, or with reasonable certainty is are not expected to be effective, in treating the patient's condition;~~or,~~

(ii) ~~the~~ The preferred choice ~~causes~~ causes or ~~choices~~ choices cause or ~~is~~ are reasonably expected to cause adverse or harmful reactions in the patient.

(iii)(I) The patient is new to the Program and has been stabilized on a prescription drug that is not on the preferred drug list or is not one of the list's preferred choices, or a current patient has been stabilized on a prescription drug that has been removed from preferred drug list or is no longer one of the list's preferred choices, and it is clinically indicated that the patient should remain stabilized on the drug in order to avoid an adverse clinical impact or outcome.

(II) The Drug Utilization Review Board and the Department of Vermont Health Access shall clinically evaluate newly introduced medications and therapeutic classes to determine their clinical appropriateness for continuation of coverage as set forth in subdivision (I) of this subdivision (iii).

* * *

~~(c) For HIV and AIDS-related medications used by individuals with HIV or AIDS, the preferred drug list and any utilization review procedures shall not be more restrictive than the drug list and the application of the list used for the State of Vermont AIDS Medication Assistance Program. [Repealed.]~~

~~(d) The Agency may include prescription drugs prescribed for the treatment of severe and persistent mental illness, including schizophrenia, major depression, or bipolar disorder, in the prior authorization process after the Health Care Oversight Committee has reviewed the report as provided for in 2005 Acts and Resolves No. 71, Sec. 305(a)(2)(A). [Repealed.]~~

Sec. E.307.1 8 V.S.A. § 4089i is amended to read:

§ 4089i. PRESCRIPTION DRUG COVERAGE

* * *

(h)(1) A health insurance or other health benefit plan offered by a health insurer or pharmacy benefit manager shall limit a beneficiary's total out-of-pocket responsibility for prescription insulin medications to not more than \$100.00 per 30-day supply, regardless of the amount, type, or number of insulin medications prescribed for the beneficiary.

(2) The \$100.00 monthly limit on out-of-pocket spending for prescription insulin medications set forth in subdivision (1) of this subsection shall apply regardless of whether the beneficiary has satisfied any applicable deductible requirement under the health insurance or health benefit plan.

(i) As used in this section:

* * *

(7) "Prescription insulin medication" means a prescription medication that contains insulin and is used to treat diabetes.

(i)(j) The Department of Financial Regulation shall enforce this section and may adopt rules as necessary to carry out the purposes of this section.

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2021 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory

Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated according to an RFP process.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by State general funds.

(3)(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of not less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2021, the Department of Health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including syringe exchange programs; improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. Not more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(5) In fiscal year 2021, the Department of Health shall provide grants in the amount of \$150,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants will be State fiscal year 2021. Grant reporting shall include outcomes and results.

Sec. E.314 [Deleted]

Sec. E.314.1 [Deleted]

Sec. E.314.2 MENTAL HEALTH CRISIS SERVICES; DATA COLLECTION

(a) The Director of Racial Equity, in collaboration with the Mental Health Crisis Response Commission and the Departments of Mental Health and of Public Safety, shall explore strategies for collecting data related to persons accessing emergency services related to a mental health crisis. The Director shall solicit recommendations from persons with lived experience of a mental health condition or psychiatric disability and members of other impacted communities, including those communities experiencing inequities or marginalization, such as racial discrimination, that expose them to additional risks from unnecessary law enforcement or mental health system interventions.

(b)(1) The Director, in collaboration with the Mental Health Crisis Response Commission and the Departments of Mental Health and of Public Safety and in consultation with persons with lived experience and members of other impacted communities, shall examine how to collect the following types of data in a manner that comports with the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d-5 and 1320d-6, and ensures best clinical practice:

(A) the number of 911 calls received by category that are related to an individual's medical condition, mental or emotional condition, developmental or intellectual disability, or substance use, or any combination thereof;

(B) the race of the individuals that are the subject of a 911 call;

(C) the number and race of individuals referred to the Department of Mental Health or arrested for a misdemeanor or felony, or both, or where no subsequent action was taken;

(D) the number of referrals received by the Department of Mental Health from State law enforcement agencies;

(E) the race of individuals referred to the Department of Mental Health by State law enforcement agencies;

(F) the number of individuals referred to the Department of Mental Health by State law enforcement agencies who are already a client of a designated or specialized service agency; and

(G) the disposition of a referral to the Department of Mental Health, by race, including whether the individual was referred for mental health or

substance misuse services, regardless of whether action was taken by the Department or the individual was referred to another State agency.

(2) The Director shall also examine and make recommendations regarding how to store data securely and make aggregated data available to the public.

(c) On or before September 1, 2021, the Director shall report the recommendations developed pursuant to this section to the House Committee on Health Care and to the Senate Committee on Health and Welfare, including the extent to which the information collected may inform the data available through the dashboard established pursuant to Sec. B.1121(d)(4)(A) of this act.

Sec. E.316 LONG-TERM PLAN FOR JUSTICE-INVOLVED YOUTHS

(a) On or before November 15, 2020 the Agency of Human Services shall submit to the Joint Legislative Child Protection Oversight Committee, the Joint Legislative Justice Oversight Committee, the Senate Committee on Judiciary, and the House Committee on Human Services a long-term plan for Vermont youths who have historically been served by Woodside Juvenile Rehabilitation Center that; notwithstanding 2020 Acts and Resolves No. 120, Sec. A.29, is anticipated to cease operations in October 2020. The plan shall:

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

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

(b) On or before December 15, 2020, the Agency of Human Services shall, in consultation with the Joint Fiscal Office, compare the costs, including available federal matching funds, associated with contracting with Becket Family Services of New Hampshire (Becket) or another provider of youth treatment and services to operate a youth treatment facility in Vermont with the costs associated with the State operating a youth treatment facility. The cost comparison shall include an evaluation of any construction and renovation costs necessary for a facility operated by Becket or another provider or the State. In the comparative cost analysis, the “no reject/no eject” service capacity need shall be included for both the contract service arrangement and the State-operated facility. The Agency shall also evaluate the capacity and

expertise of Becket or another provider to successfully operate a program appropriate for the youths currently served by Woodside and Vermont youths currently placed out of State.

(c) On or before December 15, 2020, the Agency of Human Services shall report to the Joint Legislative Justice Oversight Committee regarding:

(1) the status of the fiscal year 2021 appropriation for Woodside including the costs expended to date for the partial year operation of Woodside;

(2) the placements and costs projected for the remainder of the fiscal year to house and provide services to youths who would have been served at the Woodside facility;

(3) the status of fiscal year 2021 funding for justice-involved youth placements; and

(4) the results of the cost comparison and evaluations undertaken pursuant to subsection (b) of this section.

Sec. E.318 CHILD CARE PROVIDER STABILIZATION GRANTS

(a) Of the funds provided in fiscal year 2021 in Sec. B.318, \$800,000 is allocated for the purpose of expanding infant and toddler child care capacity.

(b) The Division shall award grants to eligible applicants. An eligible applicant shall:

(1) be a new or existing regulated, privately owned center-based child care program or family child care home in good regulatory standings;

(2) participate in CCFAP;

(3) provide year-round, full-day child care and early learning services;

(4) provide child care and early learning services for infants and toddlers; and

(5) participate in the Step Ahead Recognition System (STARS).

(c) Center-based child care programs or family child care homes receiving a grant pursuant to this section shall remain in compliance with the Division's rules, continue participation in STARS, and maintain enrollment of children supported by CCFAP.

Sec. E.318.1 CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) Notwithstanding 16 V.S.A § 4025(b):

(1) The Department for Children and Families shall align Child Care Financial Assistance Program (CCFAP) eligibility with the current federal poverty guidelines.

(2) The Department for Children and Families shall align rates of reimbursement for preschool and school age children participating in the CCFAP in fiscal year 2021 with the market rates reported on the 2015 Vermont Market Rate Survey and maintain rates of reimbursement for infants and toddlers participating in CCFAP in fiscal year 2021 aligned with the market rates reported on the 2017 Vermont Market Rate Survey.

Sec. E.318.2 EDUCATIONAL AND EXPERIENTIAL VARIANCE

(a) For individuals operating or employed in a registered family child care home or as a director or teacher associate in a center-based program for 10 or more years prior to September 1, 2016, the Commissioner for Children and Families or designee may issue a variance to the Child Development Division's rule regarding educational and experiential requirements to allow an individual to maintain employment in that same role regardless of whether the family child care provider, family child care assistant, director, or teacher associate intends to attain the otherwise necessary educational requirements. To be eligible for a variance, the family childcare provider, family childcare assistant, director, or teacher associate shall:

(1) work continuously in a regulated program with a full license in good standing; and

(2) meet the Division's educational and experiential requirements in place prior to the adoption of the new rule, which was effective beginning on September 1, 2016.

(b) The Commissioner or designee shall review any violation occurring in a regulated program where a family childcare provider, family childcare assistant, director, or teacher associate is under variance and may revoke the variance granted by this section depending upon the seriousness and circumstances of the violation.

(c) Any variance granted under this section shall be terminated on July 1, 2024, and extensions shall not be granted beyond that date.

Sec. E.319 15 V.S.A. § 663 is amended to read:

§ 663. SUPPORT ORDERS; REQUIRED CONTENTS

(a) Every order for child support made or modified under this chapter shall be issued in a standardized format and sent to the Registry in the Office of Child Support. The order shall include:

(1) The name, address, e-mail address, Social Security number, and employer of both parents.

* * *

(b) Child care costs shall be specifically stated in the order for the purpose of providing information on the amount of child care costs used to compute the total support obligation.

(c) Every order for child support made or modified under this chapter on or after July 1, 1990, shall:

(1) include an order for immediate wage withholding or, if not subject to immediate wage withholding, include a statement that wage withholding will take effect under the expedited procedure set forth in section 782 of this title;

(2) require payments to be made to the Registry in the Office of Child Support unless subject to an exception under 33 V.S.A. § 4103;

(3) require that every party to the order must notify the Registry in writing of their current mailing address, current e-mail address, and current residence address and of any change in ~~either~~ any address within seven business days of the change, until all obligations to pay support or support arrearages or to provide for visitation are satisfied;

(4) include in bold letters notification of remedies available under section 798 of this title;

(5) include in bold letters notification that the parent may seek a modification of his or her support obligation if there has been a showing of a real, substantial and unanticipated change of circumstances.

* * *

Sec. E.321 GENERAL ASSISTANCE HOUSING

(a) Funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2021 may be used for temporary housing in catastrophic situations and for vulnerable populations, as defined in rules adopted by the Agency. The Commissioner for Children and Families may, by policy, provide temporary housing for a limited duration in adverse weather conditions when appropriate shelter space is not available.

Sec. E.321.1 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM; COMMUNITY-BASED ALTERNATIVES TO GENERAL ASSISTANCE TEMPORARY HOUSING

(a) For fiscal year 2021, the Agency of Human Services may continue to fund housing assistance programs within the General Assistance program to create flexibility to provide General Assistance benefits, as well as grants to support the establishment of community-based alternatives for temporary housing as part of the effort to reduce the number of individuals temporarily housed by the General Assistance program. The purpose of these housing assistance programs and community-based alternatives is to mitigate poverty and serve applicants more effectively than they are currently being served with General Assistance funds. Eligible activities shall include, among other things, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream prevention, and related services that ensure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The Agency may award grants to homeless and housing service providers for eligible activities. Where such housing assistance programs and grants are provided, and community-based programs are established, the General Assistance rules shall not apply. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The housing assistance and community-based programs may operate in up to 12 districts designated by the Secretary of Human Services. The Agency shall establish goals and procedures for evaluating the program overall, including performance measures that demonstrate program results, and for each district in which the Agency operates the program, it shall establish procedures for evaluating the district program and its effects.

(c) The Agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of housing assistance programs and community-based alternatives to General Assistance temporary housing.

Sec. E.323 16 V.S.A. § 2878a is amended to read:

§ 2878a. PARTICIPATION AGREEMENTS FOR INVESTMENT PLAN;
INDIVIDUAL DEVELOPMENT INVESTMENT ACCOUNTS
VERMONT MATCHED SAVINGS PROGRAM

The Corporation may participate in the ~~Individual Development Investment Program~~ Vermont Matched Savings 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 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.

Sec. E.323.1 33 V.S.A. § 1123 is amended to read:

§ 1123. ~~INDIVIDUAL DEVELOPMENT SAVINGS~~ VERMONT
MATCHED SAVINGS PROGRAM

(a) As used in this section:

* * *

(9) “Fund” means the ~~Individual Development Matching~~ Vermont Matched Savings Grant Special Fund established by this section.

* * *

(11) “Program” means the ~~Individual Development Savings~~ Vermont Matched Savings Program established by this section.

* * *

(b) The Agency shall establish by rule standards and procedures to implement and administer the ~~Individual Development Savings~~ Vermont Matched Savings Program. The Program may include a program with eligibility criteria that satisfy federal funding requirements or the requirements of other funding sources that are more restrictive than those established in subsection (a) of this section, and a program funded by State appropriations and other revenue. Such standards and procedures shall include the following:

* * *

(8) The Agency shall establish by rule any other standards and procedures necessary or desirable to implement the ~~Individual Development Savings~~ Vermont Matched Savings Program, including minimum requirements for approval of savings plans, criteria for training and counseling, reporting requirements for participating financial institutions, and matching fund allocation standards.

(c)(1) The ~~Individual Development Matching~~ Vermont Matched Savings Grant Special Fund is established in the State Treasury and shall be administered in accordance with the provisions of 32 V.S.A. chapter 7, subchapter 5, except that interest earned on the Fund shall be retained in the Fund. Into the Fund shall be deposited proceeds from grants, donations, contributions, appropriations, and other revenue authorized by law. The Fund shall be used only for the purpose of providing matching funds for the ~~Individual Development Savings~~ Vermont Matched Savings Program as

established in this section, and to provide grants to service providers for administrative expenses of administering the Program.

(2) The Agency may make grants from the ~~Individual Development Matching~~ Vermont Matched Savings Grant Special Fund to service providers to provide the match for approved savings plans with enrolled savers. The amount and number of grants shall be calculated quarterly by the Agency based on the number of savers and the amounts included in their approved plans administered by each service provider so that payment of the maximum match is ensured for all savers for the period for the approved savings plans without exceeding the balance in the Fund. The Agency may award grants from the Fund to service providers to cover their expenses of training and counseling savers, and to implement and administer the ~~Individual Development Savings~~ Vermont Matched Savings Program. The Agency may approve the use of interest earnings on grant funds as a portion of approved administrative costs.

(3) The Agency and service providers, separately or cooperatively, may solicit grants and private contributions for the ~~Individual Development Matching~~ Vermont Matched Savings Grant Special Fund.

* * *

Sec. E.324 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it, if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$1,092,000 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal Emergency Solutions Grants funds. Grant decisions shall be made with assistance from the Vermont Coalition to End Homelessness.

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.335 CORRECTIONS APPROPRIATIONS; TRANSFER; REPORT

(a) In fiscal year 2021, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

Sec. E.335.1 JUSTICE REINVESTMENT OF END OF YEAR FUNDS

(a) Notwithstanding Sec. E.335 of this act, unexpended funds in Sec. B.339 (Corrections out of state beds) of this act in fiscal year 2021 shall not be transferred. The unexpended funds shall be carried forward to fiscal year 2022 and the amount reported to the Joint Legislative Justice Oversight Committee in July 2021. These funds may only be expended on community-based service programs approved by the Joint Legislative Justice Oversight Committee.

Sec. E.338 Corrections - correctional services

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

* * * K-12 EDUCATION * * *

Sec. E.500 Education – finance and administration

(a) The Global Commitment funds appropriated in this section will be used for physician claims for determining medical necessity of Individualized Education Programs (IEPs). These services are intended to increase access to quality health care for uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.501 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,864,249 shall be used by the Agency of Education in fiscal year 2021 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d).

Sec. E.504 Education – flexible pathways

(a) Of this appropriation, \$4,000,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c). Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$921,500 is available for dual enrollment programs, notwithstanding 16 V.S.A. § 944(f)(2), and the amount of \$41,225 is available for use pursuant to Sec. E.605.2(a) of this act;

(2) \$100,000 is available to support the Vermont Virtual Learning Cooperative at the River Valley Technical Center School District;

(3) \$200,000 is available for secondary school reform grants; and

(4) \$500,000 is available for the Vermont Academy of Science and Technology and \$2,500,000 for Early College pursuant to 16 V.S.A. § 946.

(b) Of this appropriation, \$921,500 from the General Fund is available for dual enrollment programs, and \$41,225 from the General Fund is available for need-based stipends pursuant to Sec. E.605.2(a) of this act.

Sec. E.514 State teachers' retirement system

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

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

Sec. E.515 Retired teachers' health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$31,798,734 will be contributed to the Retired Teachers' Health and Medical Benefits plan.

Sec. E.515.1 PREFUNDING OF THE TEACHERS' HEALTH CARE AND MEDICAL BENEFITS FUND

(a) Of the amount appropriated in Sec. B.515 of this act, \$2,400,000 is intended to pre-fund Retired Teachers' Health Care and Medical Benefits at the earliest possible date.

* * * HIGHER EDUCATION * * *

Sec. E.600 University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

(c) If Global Commitment Fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the General Fund or other State funding sources.

(d) The University of Vermont will use the Global Commitment funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this program, currently representing a significant number of physicians practicing in Vermont, deliver high-quality health care services to Medicaid beneficiaries and to uninsured or underinsured persons, or both, in Vermont and across the nation.

Sec. E.602 Vermont state colleges

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.603 Vermont state colleges – allied health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other State funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs which graduate approximately 315 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries or uninsured or underinsured persons, or both.

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of this appropriation, not more than \$200,000 may be used by the Vermont Student Assistance Corporation for a student aspirational pilot initiative to serve one or more high schools.

(c) Of the appropriated amount remaining after accounting for subsections (a) and (b) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

Sec. E.605.2 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND
EARLY COLLEGE STUDENTS

(a) The sum of \$82,450 shall be transferred to the Vermont Student Assistance Corporation (VSAC) from Sec. E.504(a)(1) and (b) (flexible pathways funds appropriated for dual enrollment and need-based stipend purposes) to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 946 to be used for the purchase of books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(b) VSAC shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and to the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before January 15, 2021.

* * * Vermont 529 Plans * * *

Sec. E.605.3 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. E.605.4 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.

* * *

* * * NATURAL RESOURCES * * *

Sec. E.700. 10 V.S.A. § 1979(b) is amended to read:

(b)(1) The Secretary shall approve the use of sewage holding and pumpout tanks for existing or proposed buildings or structures that are owned by a charitable, religious, or nonprofit organization when he or she determines that:

(A) the plan for construction and operation of the holding tank will not result in a public health hazard or environmental damage;

(B) a designer demonstrates that an economically feasible means of meeting current standards is significantly more costly than the construction and operation of sewage holding and pumpout tanks, based on a projected 20-year life of the project; and

(C) the design flows do not exceed 600 gallons per day or the existing or proposed building or structure shall not be used to host events on more than 28 days in any calendar year.

(2) ~~Before constructing a holding tank permitted under this subsection, the applicant shall post a bond or other financial surety sufficient to finance maintenance of the holding tank for the life of the system, which shall be at least 20 years. [Repealed.]~~

(3)(A) A permit issued under this subsection shall run with the land for the duration of the permit and shall apply to all subsequent owners of the property being served by the holding tank regardless of whether the owner is a charitable, religious, or nonprofit organization.

(B) All permit conditions, ~~including the financial surety requirement of subdivision (2) of this subsection (b)~~, shall apply to a subsequent owner.

(C) A subsequent owner shall not increase the design flows of the holding and pumpout tank system without approval from the Secretary.

Sec. E.701 32 V.S.A. § 3708(d) is amended to read:

(d) Beginning in fiscal year ~~2022~~ 2023, and thereafter in periods of ~~no~~ not less than three years and ~~no~~ not greater than five years, the Secretary of Natural Resources shall recommend an adjustment to update the base payments established under subsection (c) of this section consistent with the statewide municipal tax rate or other appropriate indicators. For years that the Secretary of Natural Resources recommends an adjustment under this subsection, a request for funding the adjustment shall be included as part of the budget report required under section 306 of this title.

Sec. E.702 FISH AND WILDLIFE; SUPPORT AND FIELD SERVICES

(a) The Commissioner of Finance and Management shall work with the Commissioner of Public Safety and the Commissioner of Fish and Wildlife to determine the appropriate funding levels for boating safety activities. Consideration shall include the distribution of federal U.S. Coast Guard Boat Safety grant funds, and the associated state match, to determine if the formula for distribution should be changed to include boat safety related enforcement activities within the Department of Fish and Wildlife. Recommendations resulting from this review shall be included in a memorandum submitted on or before April 1, 2021 to the House and Senate Committees on Government Operations, the House Committee on Natural Resources, Fish, and Wildlife, the Senate Committee on Natural Resources and Energy, and the House and Senate Committees on Appropriations.

Sec. E.706 23 V.S.A. § 3513 is amended to read:

§ 3513. LIABILITY INSURANCE; AUTHORITY TO CONTRACT FOR
LAW ENFORCEMENT SERVICES

(a) The amount of 90 percent of the fees and penalties collected under chapter, except interest, is allocated to the Agency of Natural Resources for use by the Vermont ATV Sportsman's Association (VASA) for development and maintenance of a Statewide ATV Trail Program, for trail liability insurance, and to contract for law enforcement services with any constable,

sheriff's department, municipal police department, the Department of Public Safety, and the Department of Fish and Wildlife for purposes of trail compliance pursuant to this chapter. The Departments of Public Safety and of Fish and Wildlife are authorized to contract with VASA to provide these law enforcement services. The Agency of Natural Resources shall retain for its use up to \$7,000.00 during each fiscal year to be used for administration of the State grant that supports this program.

* * *

Sec. E.711 2019 Acts and Resolves No. 76, Sec. 8(a) is amended to read:

(a) Until November 1, 2021 July 1, 2022, the Secretary shall implement the existing ecosystem restoration funding delivery program and shall not make substantial modifications to the manner in which that program has been implemented. The Secretary may give increased priority to meeting legal obligations pursuant to a total maximum daily load when implementing that funding delivery program.

* * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

Sec E. 802. 32 V.S.A § 5930ee is amended to read:

§ 5930ee. LIMITATIONS

Beginning in fiscal year 2010 and thereafter, the State Board may award tax credits to all qualified applicants under this subchapter, provided that:

(1) the total amount of tax credits awarded annually, together with sales tax reallocated under section 9819 of this title, does not exceed \$2,600,000.00 \$2,600,001.00.

* * *

Sec. E.811 [Deleted]

* * * TRANSPORTATION * * *

Sec. E.900 TRANSPORTATION FUND APPROPRIATION REDUCTIONS

(a) The Secretary of Transportation, with the approval of the Secretary of Administration, is authorized to reduce fiscal year 2021 Transportation Fund appropriations by the amount of Coronavirus Relief Funds or Federal Emergency Management Administration Funds received towards Transportation Fund expenditures in each appropriation.

(b) In July 2021, the Secretary of Administration shall report all appropriations reductions made under the authority of this section to the Joint

Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee.

Sec. E.900.1 EXEMPTIONS FROM TRANSPORTATION FUND BUDGET
STABILIZATION RESERVES

(a) Transportation Fund amounts totaling \$44,596,927.34, reverted under the Secretary of Administration's carry-forward authority in 2020 Acts and Resolves No. 88, Sec. 48(a), are exempt from the fiscal year 2020 Transportation Fund appropriation total used to calculate the five percent budget stabilization requirement for fiscal year 2021 in 32 V.S.A. § 308a.

Sec. E.909 Transportation – central garage

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 13(c)(2).

Sec. E.911 Transportation – town highway structures

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 306(e).

Sec. E.913 Transportation – town highway class 2 roadway

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 306(h).

* * * PAY ACT; LEGISLATIVE INTENT * * *

Sec. F.100 PAY ACT; FISCAL YEAR 2022 FUNDING; CONFIRMATION
OF LEGISLATIVE INTENT

(a) In accordance with the Pay Act set forth in 2020 Acts and Resolves No. 120, Secs. B.1–B.5, particularly Sec. B.1(c) of that act (“Fiscal year 2022. The General Assembly will consider any compensation increases for fiscal year 2022 at a later date.”), this section confirms that the legislative intent of the Pay Act was to fully fund the first year of the collective bargaining agreements and to make a funding decision regarding the second year of those agreements at a later date and that accordingly, the Pay Act does not require the State, the Department of State’s Attorneys and Sheriffs, the Judiciary Department, and the bargaining units covered by the Pay Act to renegotiate any terms of their collective bargaining agreements that apply during the period of July 1, 2021 through June 30, 2022 (fiscal year 2022) unless and until, in accordance with 3 V.S.A. §§ 982(c) and 1036(c), the General Assembly appropriates a different amount of funds for that period than the amount required for sufficient funding of that period.

* * * ADJUSTMENTS TO THE TRANSPORTATION BILL,

2020 ACTS AND RESOLVES NO. 121 * * *

Sec. G.100 2020 Acts and Resolves No. 121, Sec. 1(d)(3) is amended to read:

(3) “Federal COVID-19 legislation” includes any federal infrastructure bills or other federal legislation that ~~provide~~ provides the State with additional federal funding for transportation-related projects in fiscal year 2021 or was enacted as a result of COVID-19, including an extension of the Fixing America’s Surface Transportation Act, Pub. L. No. 114-94 (FAST Act) that provides additional federal funding or flexibility with how federal funding can be used, such as eliminating state match requirements, or any transportation-related infrastructure stimulus bill.

Sec. G.101 2020 Acts and Resolves No. 121, Sec. 1a is amended to read:

Sec. 1a. FISCAL YEAR 2021 TRANSPORTATION INVESTMENTS
INTENDED TO REDUCE TRANSPORTATION-RELATED
GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL
USE, AND SAVE VERMONT HOUSEHOLDS MONEY

* * *

(2) Bike and Pedestrian Facilities Program. This act, in concert with the Capital Construction Act, provides for a fiscal year expenditure of ~~\$18,030,970.00~~ \$17,930,970.00, which will fund 39 bike and pedestrian construction projects, and 12 bike and pedestrian design, right-of-way, or design and right-of way projects for construction in fiscal year 2021. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared use paths, bike paths, and cycling lanes. Projects are funded in Arlington, Bennington, Burlington, Chester, Colchester-Essex, Dover, East Montpelier, Enosburg Falls, Fairfield, Hardwick, Hartford, Hinesburg, Jericho, Johnson, Lake Champlain causeway, Middlebury, Milton, Montpelier-Berlin, Moretown, Pittsford, Plainfield, Proctor, Richford, Rochester, Rutland City, Shelburne, South Burlington, Springfield, St. Albans City, St. George, St. Johnsbury, Swanton, Underhill, Waitsfield, Waterbury, West Rutland, Williston, and Wilmington.

* * *

(4) Public Transit Program. This act authorizes ~~\$37,852,845.00~~ \$38,734,820.00 in funding for public transit uses throughout the State, which is a ~~30.4~~ 33.5 percent increase over fiscal year 2019 levels. An additional \$3,000,000.00 flows through the State directly to the Green Mountain Transportation Authority. Included in the authorization are:

* * *

(5) Rail Program. This act authorizes ~~\$30,815,640.00~~ \$31,494,448.00 for intercity passenger rail service and rail infrastructure throughout the State, including modifications to the Burlington Vermont Rail Systems railyard to accommodate overnight servicing to facilitate New York City-Burlington rail service.

* * *

(8) Vehicle incentive programs. Sec. 14 of this act authorizes an additional \$50,000.00 to support administrative costs associated with MileageSmart, which is the State's used high fuel efficiency vehicle incentive program, and to ensure that the State's emissions repair program is operational not later than July 1, 2021 ~~and the fiscal year 2021 budget appropriates and authorizes the expenditure of \$1,000,000.00 in one-time Transportation Fund monies for additional new plug-in electric vehicle incentives and program development costs under the New PEV Incentive Program. Secs. 3 and 5~~ Sec. 3 of this act also ~~authorize~~ authorizes the Secretary of Transportation to expend additional monies on the New PEV Incentive Program and MileageSmart if such funding becomes available.

Sec. G.102 2020 Acts and Resolves No. 121, Sec. 3 is amended to read:

Sec. 3 AGENCY SPENDING; AUTHORITY TO REDIRECT; REPORT

* * *

~~(e) The Secretary of Administration shall, on or before July 31, 2020, file a written report listing all expenditures made during fiscal year 2020 under the authority of subsections (a) and (b) of this section to the House and Senate Committees on Transportation, Joint Fiscal Office, Joint Fiscal Committee, and Joint Transportation Oversight Committee~~ If additional funding becomes available pursuant to this section, an additional \$1,600,000.00 for leveling and paving projects shall be the top priority. The Agency shall have discretion, within the guidelines established pursuant to subsections (a) and (b) of this section, if there is more than \$1,600,000.00 available for reallocation.

* * *

~~(g) The reports~~ report required pursuant to ~~subsections (e) and subsection (f)~~ of this section shall be in addition to the report required pursuant to 19 V.S.A. § 10g(e).

Sec. G.103 2020 Acts and Resolves No. 121, Sec. 4 is amended to read:

Sec. 4 ADDITION OF BURLINGTON RAIL YARD REALIGNMENT
FOR AMTRAK PROJECT; RAIL PROGRAM

(a) The following project is added to the development and evaluation list of Rail within the Agency's Fiscal Year 2020 Transportation Program, as adopted pursuant to 2019 Acts and Resolves No. 59, Sec. 1, and the ~~development and evaluation~~ construction list of Rail within the Agency's Proposed Fiscal Year 2021 Transportation Program, with a spending authorization of \$1,450,000.00 in Transportation Fund monies for construction: Burlington – Railyard Realignment for Amtrak.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Rail, authorized spending for Statewide – Amtrak Contract is reduced by \$750,000.00 in Transportation Fund monies.

(c) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Rail, authorized spending for Statewide – Rail Section Administration is reduced by \$21,192.00 in Transportation Fund monies.

Sec. G.104 2020 Acts and Resolves No. 121, Sec. 5(a) is amended to read:

(a)(1) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Maintenance, authorized spending is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal	45,757,089	45,757,089	0
Services		45,305,185	-451,904
Operating	52,896,134	52,296,134	-600,000
Expenses		54,291,051	1,394,917
Grants	240,200	240,200	0
Total	98,893,423	98,293,423	-600,000
		99,836,436	943,013
<u>Sources of funds</u>			
State	96,415,636	95,815,636	600,000
		97,358,649	943,013
Federal	2,377,787	2,377,787	0
Interdepart.	100,000	100,000	0
Transfer			
Total	98,893,423	98,293,423	600,000
		99,836,436	943,013

(2) The \$3,511,051.27 that the Highway Maintenance Bureau owes to the Central Garage Fund for withheld payment of billed invoices at fiscal year 2020 year-end is included in the operating expenses for Maintenance and this money shall be used to pay all past due invoices to the Highway Maintenance Bureau from the Central Garage Fund and fully restore the negative fund

balance in the Central Garage Fund that resulted from the withholding of payment of billed invoices in fiscal year 2020.

Sec. G.105 2020 Acts and Resolves No. 121, Sec. 5a is amended to read:

Sec. 5a. CLARENDON SRE BUILDING AVIATION

(a) Clarendon SRE building. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Clarendon AV-FY20-001 is amended as follows:

* * *

(b) Morristown fuel farm. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Morristown AV-FY21-015 is amended by increasing spending authority for construction by \$230,000.00 in Transportation Fund monies.

(c) Coventry runway 5/23. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, the sources of funds for Coventry AV-FY20-002 is amended by reducing Transportation Fund monies by \$8,000.00 and increasing federal fund monies by \$8,000.00.

(d) Paving. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, the sources of funds for Statewide AV-FY19-013 is amended by reducing Transportation Fund monies by \$14,420.00 and increasing federal fund monies by \$14,420.00; and the sources of funds for Statewide AV-FY21-003 is amended by reducing Transportation Fund monies by \$4,000.00 and increasing federal fund monies by \$4,000.00.

(e) Administrative support. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Statewide – Aviation Admin. Support is reduced by \$17,846.00 in Transportation Fund monies.

Sec. G.106 2020 Acts and Resolves No. 121, Sec. 6 is amended to read:

Sec. 6 PROGRAM DEVELOPMENT; ROADWAY

(a) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Roadway, authorized spending for Burlington MEGC M 5000(1) is amended as follows:

* * *

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Roadway, the sources of funds for Pittsford NH 019-3(491) is amended by reducing TIB funds by \$946,000.00 and increasing federal fund monies by \$946,000.00.

Sec. G.107 2020 Acts and Resolves No. 121, Secs. 7b and 7c and their corresponding reader assistance headings are added to read:

* * * Paving * * *

Sec. 7b. PROGRAM DEVELOPMENT; PAVING

(a) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Paving, authorized spending for construction in Statewide Federal Paving is increased by \$1,150,000.00 in Transportation Fund monies and \$4,600,000.00 in federal fund monies.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Paving, the sources of funds for Sharon–Bethel IM 089-1(66) is amended by increasing Transportation Fund monies by \$124,947.00 and federal fund monies by 167,500.00 and reducing TIB funds by \$292,447.00.

* * * State Highway Bridges * * *

Sec. 7c. PROGRAM DEVELOPMENT; STATE HIGHWAY BRIDGES

(a) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—State Highway Bridges, the sources of funds for North Hero–Grand Isle BHF 028-1(26) is amended by reducing TIB funds by \$2,910,000.00 and increasing federal fund monies by \$2,910,000.00.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—State Highway Bridges, the sources of funds for Middlebury WCRS(23) is amended by reducing Transportation Fund monies by \$850,000.00 and increasing federal fund monies by \$850,000.00.

Sec. G.108 2020 Acts and Resolves No. 121, Sec. 9a is added to read:

Sec. 9a. PUBLIC TRANSIT; ADMINISTRATIVE SUPPORT

(a)(1) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Public Transit, authorized spending for State Public Transportation is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	6,241,403	7,128,955	887,552
Total	6,241,403	7,128,955	887,552
<u>Sources of funds</u>			
State	6,241,403	3,190,600	-3,050,803

Federal	0	3,938,355	3,938,355
Total	6,241,403	7,128,955	887,552

(2) These amendments reflect a swap of federal fund monies for Transportation Fund monies in the amount of \$3,100,000.00, which is possible because of monies that are available for public transit under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (CARES Act), an increase in federal funds in the amount of \$838,355.00, which is the result of a Federal Transit Administration grant award for the replacement of buses, and an increase in Transportation Fund monies in an amount of \$49,197.00, which is the required match for the federal grant award for the replacement of buses.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Public Transit, authorized spending authority for Administrative Support – Public Transit Admin Support is reduced by \$5,577.00 in Transportation Fund monies.

Sec. G.109 2020 Acts and Resolves No. 121, Secs. 11 and 12 are amended to read:

Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2021, the amount of ~~\$1,605,358.00~~ \$1,005,358.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13 and shall include the \$600,000.00 one-time transfer from the Transportation Fund pursuant to Sec B.1100.1 of the fiscal year 2021 budget.

Sec. 12. CENTRAL GARAGE EQUIPMENT

In fiscal year 2021, the amount of ~~\$8,668,094.00~~ \$8,068,094.00 is authorized for replacement equipment pursuant to 19 V.S.A. § 13(b) and, of this amount, a minimum of \$250,000.00 shall be dedicated for the replacement of Department of Motor Vehicles enforcement fleet vehicles.

Sec. G.110 2020 Acts and Resolves No. 121, Sec. 12a–12e and their corresponding reader assistance headings are added to read:

Sec. 12a. CENTRAL GARAGE FUNDING

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Central Garage, authorized spending is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal	4,612,051	4,566,949	–45,102

Services			
Operating	17,027,708	16,415,926	-611,782
Expenses			
Total	21,639,759	20,982,875	-656,884
<u>Sources of funds</u>			
Internal	21,639,759	20,982,875	-656,884
Service Fund			
Total	21,639,759	20,982,875	-656,884

* * * Town Highways * * *

Sec. 12b. BRATTLEBORO-HINSDALE, NH

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Town Highway Bridge, authorized spending for Brattleboro-Hinsdale, NH is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	750,000	750,000	0
PE	0	200,000	200,000
ROW	2,875,973	4,675,973	1,800,000
Construction	1,000,000	1,000,000	0
Total	4,625,973	6,625,973	2,000,000
<u>Sources of funds</u>			
TIB	925,195	1,325,000	400,000
Federal	3,700,778	5,100,778	1,600,000
Total	4,625,973	6,625,973	2,000,000

Sec. 12c. MONIES FOR TOWN HIGHWAYS

(a) Town Highway Structures. Notwithstanding 19 V.S.A. § 306(e)(2), the Agency shall not issue any new grants under the Town Highway Structures Program in fiscal year 2021 and authorized spending for grants in fiscal year 2021 is reduced by \$1,683,500.00 in Transportation Fund monies to a total of \$4,650,000.00 in Transportation Fund monies.

(b) Town Highway Class 2 Roadway. Notwithstanding 19 V.S.A. § 306(h), the Agency shall not issue any new grants under the Class 2 Town Highway Roadway Program in fiscal year 2021 and authorized spending for grants in fiscal year 2021 is reduced by \$4,398,750.00 in Transportation Fund monies to a total of \$3,250,000.00 in Transportation Fund monies.

(c) Town Highway Aid. Notwithstanding 19 V.S.A. § 306(a), the fiscal year 2021 budget increases the annual appropriation for aid to town highways by \$7,000,000.00 in one-time Transportation Fund monies to a total of \$34,105,769.00 in Transportation Fund monies.

* * * Department of Motor Vehicles * * *

Sec. 12d. DEPARTMENT OF MOTOR VEHICLES; SAVINGS AND
INCREASE OF LIMITED SERVICE STAFF

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for the Department of Motor Vehicles, authorized spending is increased by \$48,368.00 for personal services and reduced by \$96,059.00 for operating expenses with a corresponding reduction of \$47,691.00 in Transportation Fund monies as the source of funds.

* * * Vacancy Savings; Statewide Allocated Cost Reductions * * *

Sec. 12e. VACANCY SAVINGS AND STATEWIDE ALLOCATED
COST REDUCTIONS

(a) Finance and Administration. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Finance and Administration, authorized spending is reduced by \$107,890.00 for personal services and \$28,189.00 for operating expenses with a corresponding reduction of \$136,079.00 in Transportation Fund monies as the source of funds.

(b) Policy and Planning. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Policy and Planning, authorized spending is reduced by \$28,299.00 for personal services and \$7,392.00 for operating expenses with a corresponding reduction of \$35,691.00 in Transportation Fund monies as the source of funds.

(c) Transportation Board. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Transportation Board, authorized spending is reduced by \$195.00 for personal services and \$781.00 for operating expenses with a corresponding reduction of \$976.00 in Transportation Fund monies as the source of funds.

(d) Program Development. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Administration, authorized spending is reduced by \$253,808.00 for personal services and \$66,304.00 for operating expenses with a corresponding reduction of \$320,112.00 in Transportation Fund monies as the source of funds.

Sec. G.111 REPEALS

2020 Acts and Resolves No. 121, Secs. 5(b) (contingent funding for the vehicle incentive programs) and 5b (Morristown fuel farm) are repealed.

* * * AMENDMENTS TO VEHICLE INCENTIVE PROGRAMS * * *

Sec. G.112 2019 Acts and Resolves No. 59, Sec. 34(a) as amended by 2020 Acts and Resolves No. 121, Sec. 14 is further amended to read:

(a) Vehicle incentive and emissions repair programs administration.

* * *

(2) The Agency is authorized to spend \$2,000,000.00 as appropriated in the fiscal year 2020 budget, \$50,000.00 in Transportation Fund monies, and any additional monies as appropriated ~~in the fiscal year 2021 budget for the programs described in subsection (b) and (c) of this section~~ or Transportation Fund monies authorized to be expended by the Secretary of Transportation pursuant to Secs. 3 and 5 of this act, or both, on the programs described in subsections (b) and (c) of this section. Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations for the programs described in subsections (b) and (c) of this section remaining unexpended on June 30, 2021 shall be carried forward and designated for expenditure on these programs in the subsequent fiscal year.

(3) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the programs. Up to \$150,000.00 of program funding may be set aside for this purpose for the programs described in subsection (c) of this section in fiscal year 2020 and \$50,000.00 of program funding shall be set aside for this purpose for the programs described in subsection (c) of this section in fiscal year 2021 and to ensure that the emissions repair program is operational not later than July 1, 2021. ~~In fiscal year 2021, the Agency is authorized to spend up to \$200,000.00 in program funding to continue and expand the Agency's public-private partnership with Drive Electric Vermont to support the expansion of the PEV market in the State through technical and consumer assistance; auto dealer education; outreach and incentive program management, including marketing, consumer support, record keeping and reporting, program development and modification, and general program administration for the program described in subsection (b) of this section; and PEV promotional efforts. The Agency shall develop, in consultation with the Departments of Environmental Conservation and of Public Service, a scope of work for funding the Agency's grants to Drive Electric Vermont pursuant to this section.~~

* * *

* * * AMENDMENTS TO ATV LAWS * * *

Sec. G.113 23 V.S.A. § 3502 is amended to read:

§ 3502. REGISTRATION AND TRAIL ACCESS DECAL (TAD)

REQUIRED; EXCEPTIONS

(a)(1) Except as otherwise provided in this section, an individual shall not operate an ATV on the VASA Trail System, on State land designated by the Secretary pursuant to subdivision 3506(b)(4) of this title, or along any highway that is not adjacent to the property of the operator unless the ATV:

(A) is registered pursuant to this title or in accordance with subsection (e) of this section; and

(B) displays a valid VASA Trail Access Decal (TAD).

(2) Notwithstanding subdivision (1) of this subsection, neither registration nor display of a TAD is required to operate an ATV:

(A) ~~on~~ On the property of the owner of the ATV;

(B) ~~in~~ In a ski area, off the highway, for the purpose of grooming snow, maintenance, or in rescue operations;

(C) ~~for~~ For official use by a federal, State, or municipal agency if the ATV is identified with the name or seal of the agency in a manner approved by the Commissioner;

(D) ~~on~~ On privately owned land when the operator is specifically invited to do so by the owner of the property and carries the written consent of the owner.

(E) On frozen bodies of water as designated by the Agency of Natural Resources under the provisions of 10 V.S.A. § 2607. Notwithstanding subdivision 3506(b)(16) of this title, protective headgear is not required when an ATV is operated on a frozen body of water pursuant to this subdivision.

* * *

* * * EFFECTIVE DATES * * *

Sec. H.100 EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214, Sec. E.215.1 (Vermont National Guard Tuition Benefit Program, COVID-19) shall take effect retroactively on August 17, 2020.

(b) Notwithstanding 1 V.S.A. § 214, Sec. E.111.3 and E.111.4 (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.

(c) Notwithstanding 1 V.S.A. § 214, Secs. E.111.5 (TY 2016 refunds) shall take effect retroactively on April 15, 2020.

(d) Sec. E.307.1 (8 V.S.A. § 4089i) shall take effect on January 1, 2021 and shall apply to health insurance and other health benefit plans on or after January 1, 2021 on such date as a health insurer or pharmacy benefit manager issues, offers, or renews the plan, but in no event later than January 1, 2022.

(e) All remaining sections shall take effect on passage.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.(For text see House Journal September 11, 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