

Senate Calendar

FRIDAY, MARCH 01, 2019

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ACTION CALENDAR

NEW BUSINESS

Third Reading

S. 18.

An act relating to consumer justice enforcement.

S. 54.

An act relating to the regulation of cannabis.

S. 86.

An act relating to increasing the legal age for buying and using cigarettes, electronic cigarettes, and other tobacco products from 18 to 21 years of age.

S. 109.

An act relating to captive insurance companies and risk retention groups.

J.R.S. 13.

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend the Department's lease with the Okemo Limited Liability Company and to authorize a conveyance of Woodchuck Mountain in Newbury as an alternative to the conveyance authorized in 2002 Acts and Resolves No. 149, Sec. 83(a)(3).

Second Reading

Favorable with Recommendation of Amendment

S. 47.

An act relating to the persons authorized to make contributions to candidates and political parties.

Reported favorably with recommendation of amendment by Senator Pollina for the Committee on Government Operations.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 2901 is amended to read:

§ 2901. DEFINITIONS

As used in this chapter:

* * *

(13) “Political committee” or “political action committee” means any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, that accepts contributions of \$1,000.00 or more and makes expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election, or any such entity that registers as a political committee pursuant to section 2922 of this chapter prior to reaching those \$1,000.00 thresholds, and includes an independent expenditure-only political committee and a legislative leadership political committee.

* * *

Sec. 2. 17 V.S.A. § 2922 is amended to read:

§ 2922. POLITICAL COMMITTEES; REGISTRATION; CHECKING ACCOUNT; TREASURER

(a)(1)(A) Each political committee shall register with the Secretary of State within 10 days of making expenditures of \$1,000.00 or more and accepting contributions of \$1,000.00 or more ~~stating~~, and any other political committee may register with the Secretary of State prior to reaching those \$1,000.00 thresholds.

(B) A political committee’s name shall include the full name of its connected organization, if applicable, or any clearly recognized abbreviation or acronym by which the connected organization is commonly known.

(C) In its registration, a political committee shall state:

(i) its full name and address;

(ii) the name and address of the bank in which it maintains its campaign checking account; ~~and~~

(iii) the name and address of the treasurer responsible for maintaining the checking account; ~~and~~

(iv) if applicable, the full name of its connected organization and any clearly recognized abbreviation or acronym by which the connected organization is commonly known.

(2)(A) In addition to the requirements of subdivision (1) of this subsection, a legislative leadership political committee shall designate in its registration that it is established as a legislative leadership political committee.

(B) The Secretary of State shall provide on his or her website a list of all legislative leadership political committees that have been designated as provided in this subdivision (2).

(b)(1) All expenditures by a political committee shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the political committee under subsection (a) of this section, or, if under \$250.00, the political committee may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by the political committee for at least two years from the end of the two-year general election cycle in which the expenditure was made.

(2) Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the political committee.

(c) A political committee whose principal place of business or whose treasurer is not located in this State shall file a statement with the Secretary of State designating a person who resides in this State upon whom may be served any process, notice, or demand required or permitted by law to be served upon the political committee. This statement shall be filed at the same time as the registration required in subsection (a) of this section.

(d) As used in this section, “connected organization” means the formal or informal committee of two or more individuals, corporation, labor organization, public interest group, or other entity that directly or indirectly establishes, administers, or financially supports a political committee. For purposes of this subsection:

(1) “Financially supports” does not include contributions to the political committee, but does include the payment of establishment, administration, and solicitation costs of the political committee; and

(2) Members of a connected organization, such as organizations that or individuals who are members of a trade association, labor organization, or public interest group that is a connected organization, shall not be considered to have directly or indirectly established, administered, or financially supported the connected organization’s political committee.

Sec. 3. 17 V.S.A. § 2941 is amended to read:

§ 2941. LIMITATIONS OF CONTRIBUTIONS

(a) In any election cycle:

(1)(A) A candidate for State Representative or for local office shall not accept contributions totaling more than:

- (i) \$1,000.00 from a single source; or
- (ii) \$1,000.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(2)(A) A candidate for State Senator or for county office shall not accept contributions totaling more than:

- (i) \$1,500.00 from a single source; or
- (ii) \$1,500.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(3)(A) A candidate for the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of Accounts, or Attorney General shall not accept contributions totaling more than:

- (i) \$4,000.00 from a single source; or
- (ii) \$4,000.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(4) A political committee shall not accept contributions totaling more than:

- (A) \$4,000.00 from a single source;
- (B) \$4,000.00 from a political committee; or
- (C) \$4,000.00 from a political party.

(5) A political party shall not accept contributions totaling more than:

- (A) \$10,000.00 from a single source;
- (B) \$10,000.00 from a political committee; or
- (C) \$60,000.00 from a political party.

(6) [Repealed.]

(b) A single source, political committee, or political party shall not contribute more to a candidate, political committee, or political party than the candidate, political committee, or political party is permitted to accept under this section.

(c)(1)(A) Notwithstanding any provision of law to the contrary, only an individual, a political committee, or a political party may make a contribution to a candidate or to a political party.

(B) In accordance with the provisions of subdivision (A) of this subdivision (1), an individual may make a contribution as follows, which in either case shall be considered a contribution from the individual:

(i) in the individual's capacity as an unincorporated sole proprietorship; or

(ii) from his or her revocable trust, if the individual is a named trustee.

(2) A candidate or a political party shall not accept a contribution from any person other than those permitted to make such a contribution under subdivision (1) of this subsection.

(d) As used in this section:

(1) For a candidate described in subdivisions (a)(1)-(3) of this section, an "election cycle" means:

(A) in the case of a general or local election, the period that begins 38 days after the previous general or local election for the office and ends 38 days after the general or local election for the office for which that person is a candidate, and includes any primary or ~~run-off~~ runoff election related to that general or local election; or

(B) in the case of a special election, the period that begins on the date the special election for the office was ordered and ends 38 days after that special election, and includes any special primary or ~~run-off~~ runoff election related to that special election.

(2) For a political committee, political party, or single source described in subdivisions (4)-(6) of subsection (a), an "election cycle" means a two-year general election cycle.

Sec. 4. EFFECTIVE DATE

This act shall take effect on December 11, 2020.

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

An act relating to the persons authorized to make contributions to candidates and political parties and to political committee names.

(Committee vote: 4-1-0)

NOTICE CALENDAR

Second Reading

Favorable with Recommendation of Amendment

S. 49.

An act relating to the regulation of polyfluoroalkyl substances in drinking and surface waters.

Reported favorably with recommendation of amendment by Senator Bray for the Committee on Natural Resources and Energy.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Perfluoroalkyl, polyfluoroalkyl substances (PFAS), and other perfluorochemicals are a large group of human-made chemicals that have been used in industry and consumer products worldwide since the 1950s.

(2) PFAS may enter the environment from numerous industrial or commercial sources, including when emitted during a manufacturing process, from the disposal of goods containing PFAS, or from leachate from landfills.

(3) Many PFAS do not break down and persist in the environment for a very long time, especially in water, and, consequently, PFAS can be found in many bodies of water and in the blood of humans and wildlife.

(4) The Vermont Department of Health has adopted a health advisory level for certain PFAS of 20 parts per trillion.

(5) The Vermont Water Supply Rule provides that the Secretary of Natural Resources may adopt a Vermont Department of Health advisory level as a maximum contaminant level for a substance.

(6) The Agency of Natural Resources (ANR) has adopted the 20 parts per trillion level as part of ANR’s Remediation of Contaminated Properties Rule and Groundwater Protection Rule and Strategy, but not as part of the Vermont Water Supply Rule or the Vermont Water Quality Standards.

(7) To prevent further contamination of State water, and to reduce the potential harmful effects of PFAS on human health and the environment, the State of Vermont should:

(A) require the Agency of Natural Resources to adopt by rule maximum contaminant level or levels for PFAS under the Vermont Water Supply Rule;

(B) prior to adoption by rule of maximum contaminant level or levels for PFAS, require public water systems to monitor for certain PFAS chemicals and respond appropriately when results indicate levels of PFAS in excess of the Vermont Department of Health advisory level;

(C) require the Agency of Natural Resource to adopt surface water quality standards for certain PFAS chemicals; and

(D) authorize the Agency of Natural Resources to require any permitted facility to monitor for any release of a chemical that exceeds a health advisory issued by the Vermont Department of Health.

Sec. 2. INTERIM DRINKING WATER STANDARD; TESTING; PER AND POLYFLUOROALKYL SUBSTANCES

(a) As used in this section, “PFAS contaminants” means perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, and perfluoroheptanoic acid.

(b) On or before December 1, 2019, all public community water systems and all nontransient noncommunity water systems in the State shall conduct monitoring for the presence of PFAS contaminants in drinking water supplied by the system. Continued monitoring shall be conducted as follows until adoption of the rules required under Sec. 3 of this act:

(1) If monitoring results detect the presence of any PFAS contaminants individually or in combination in excess of the Vermont Department of Health advisory level of 20 parts per trillion, the public water system shall conduct continued quarterly monitoring.

(2) If monitoring results detect the presence of any PFAS contaminants individually or in combination at a level equal to or below the Vermont Department of Health advisory level of 20 parts per trillion, the public water system shall conduct continued monitoring annually.

(3) If monitoring results do not detect the presence of any PFAS contaminants, the public water system shall conduct continued monitoring every two years.

(c) If monitoring results under subsection (b) of this section confirm the presence of any PFAS contaminants individually or in combination in excess of the Vermont Department of Health advisory level of 20 parts per trillion, the Agency of Natural Resources shall direct the public water system to implement treatment or other remedy to reduce the levels of PFAS contaminants in the drinking water of the public water system below the Vermont Department of Health advisory level.

(d) During the period of treatment or implementation of another remedy under this section to reduce the levels of PFAS contaminants in the drinking water of the public water system below the Vermont Department of Health advisory level, the public water system shall provide potable water through other means to all customers or users of the system. The requirement for a public water system to provide potable water to customers and users of the systems through other means shall cease when monitoring results indicate that the levels of PFAS contaminants in the drinking water of the public water system are below the Vermont Department of Health advisory level.

(e) The Secretary may enforce the requirements of this section under 10 V.S.A. chapter 201. A person may appeal the acts or decisions of the Secretary of Natural Resources under this section under 10 V.S.A. chapter 220.

Sec 3. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATER SUPPLY RULE; MAXIMUM CONTAMINANT LEVEL
FOR PER AND POLYFLUOROALKYL SUBSTANCES;
STANDARD FOR PER AND POLYFLUOROALKYL
SUBSTANCES; CLASS OR SUBCLASSES

(a) On or before February 1, 2020, the Secretary of Natural Resources shall file under 3 V.S.A. § 841 a final proposed rule with the Secretary of State and the Legislative Committee on Administrative Rules regarding adoption of the Vermont Department of Health's health advisory level for perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, and perfluoroheptanoic acid as a maximum contaminant level (MCL) under the Department of Environmental Conservation's Water Supply rule.

(b) On or before August 1, 2020, the Secretary of Natural Resources shall initiate a public notice and comment process by publishing an advance notice of proposed rulemaking regarding the regulation under the Department of

Environmental Conservation's Water Supply Rule of per and polyfluoroalkyl (PFAS) compounds as a class or subclasses.

(c) On or before March 1, 2021, the Secretary of Natural Resources shall either:

(1) file a proposed rule with the Secretary of State regarding the regulation of PFAS compounds under the Department of Environmental Conservation's Water Supply Rule as a class or subclasses; or

(2) publish a notice of decision not to regulate PFAS compounds as a class or subclasses under the Department of Environmental Conservation's Water Supply Rule that includes, at a minimum, an identification of all legal, technical, or other impediments to regulating PFAS compounds as a class or subclasses and a detailed response to all public comments received.

(d) If the Secretary of Natural Resources proposes a rule pursuant to subsection (c), on or before December 31, 2021, the Secretary of Natural Resources shall file a final rule with the Secretary of State regarding the regulation of PFAS compounds as a class or subclasses under the Department of Environmental Conservation's Water Supply Rule.

Sec. 4. REPEAL; INTERIM DRINKING WATER MONITORING; PFAS CONTAMINANTS

Sec. 2 (interim drinking water monitoring; PFAS contaminants) shall be repealed on the effective date of the rules required under Sec. 3(a) of this act.

Sec 5. VERMONT WATER QUALITY STANDARDS; PER AND POLYFLUOROALKYL SUBSTANCES

(a) On or before January 15, 2020, the Secretary of Natural Resources shall publish a plan for public review and comment for adoption of surface water quality standards for per and polyfluoroalkyl substances (PFAS) that shall include, at a minimum, a proposal for standards for:

(1) perfluorooctanoic acid; perfluorooctane sulfonic acid; perfluorohexane sulfonic acid; perfluorononanoic acid; and perfluoroheptanoic acid; and

(2) the PFAS class of compounds or subgroups of the PFAS class of compounds.

(b) On or before January 1, 2022, the Secretary of Natural Resources shall file a final rule with the Secretary of State to adopt surface water quality standards for, at a minimum, perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, and perfluoroheptanoic acid.

Sec 6. INVESTIGATION OF POTENTIAL SOURCES OF PER AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION

(a) On or before May 1, 2019, the Secretary of Natural Resources shall publish a plan for public review and comment to complete a statewide investigation of potential sources of per and polyfluoroalkyl substances (PFAS) contamination. As part of this investigation, the Secretary shall conduct a pilot project at public water systems to evaluate PFAS that are not quantified by standard laboratory methods using a total oxidizable precursor assay or other applicable analytical method to evaluate total PFAS. The Secretary of Natural Resources shall initiate implementation of the plan not later than July 1, 2019.

(b) On or before December 1, 2019, all public community water systems and all nontransient noncommunity water systems shall conduct monitoring for the maximum number of PFAS detectable from standard laboratory methods.

Sec 7. 3 V.S.A. § 2810 is added to read:

§ 2810. INTERIM ENVIRONMENTAL MEDIA STANDARDS

The Secretary of Natural Resources may require any entity permitted by the Agency of Natural Resources to monitor the operation of a facility, discharge, emission, or release for any constituent for which the Department of Health has established a health advisory. The Secretary may impose conditions on a permitted entity based on the health advisory if the Secretary determines that the operation of the facility, discharge, emission, or release may result in an imminent and substantial endangerment to human health or the natural environment. The authority granted to the Secretary under this section shall last not longer than two years from the date the health advisory was adopted.

Sec. 8. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

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

* * *

(28) 30 V.S.A. § 255, relating to regional coordination to reduce greenhouse gases; and

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

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

* * *

Sec. 9. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

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

* * *

- (2) 29 V.S.A. chapter 11 (management of lakes and ponds).
- (3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).
- (4) 3 V.S.A. § 2810 (interim environmental media standards).

* * *

Sec. 10. ENVIRONMENTAL MEDIA STANDARDS; GUIDANCE; PLAN

(a) On or before January 1, 2020, the Secretary of Natural Resources shall publish a guidance document for public review and comment that sets forth detailed practices for implementation by the Secretary of Natural Resources of interim environmental media standards authority under 3 V.S.A. § 2810.

(b) On or before January 1, 2020, the Secretary of Natural Resources shall publish for public review and comment a plan to collect data for contaminants in drinking water from public community water systems and all nontransient noncommunity water systems for which a health advisory has been established but no maximum contaminant level has been adopted.

Sec. 11. AGENCY OF NATURAL RESOURCES CONTAMINANTS OF EMERGING CONCERN PILOT PROJECT

On or before January 15, 2020, the Agency of Natural Resources shall submit to the House Committees on Natural Resources, Fish, and Wildlife and on Commerce and Economic Development and the Senate Committees on Natural Resources and Energy and on Economic Development, Housing and General Affairs a report regarding the management at landfills of leachate containing contaminants of emerging concern (CECs). The report shall include:

(1) the findings of the leachate treatment evaluation conducted at any landfill in Vermont;

(2) the Agency of Natural Resources' assessment of the results of landfill leachate evaluations; and

(3) the Agency of Natural Resources' recommendations for treatment of CECs in leachate from landfills, including whether the State should establish a pilot project to test methods for testing or managing CECs in landfill leachate.

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

S. 95.

An act relating to municipal utility capital investment.

Reported favorably with recommendation of amendment by Senator Brock for the Committee on Finance.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 1822 is amended to read:

§ 1822. POWERS; APPROVAL OF VOTERS

(a) In addition to the powers it may now or hereafter have, a municipal corporation otherwise authorized to own, acquire, improve, control, operate, or manage a public utility or project and to issue bonds pursuant to this subchapter, may also, by action of its legislative branch, exercise any of the following powers:

(1) to borrow money and issue bonds for the purposes of acquiring, improving, maintaining, financing, controlling, or operating the public utility or project, or for the purpose of selling, furnishing, or distributing the services, facilities, products, or commodities of such utility or project;

(2) to enter into contracts in connection with the issuance of bonds for any of the purposes enumerated in subdivision (1) of this subsection;

(3) to purchase, hold, and dispose of any of its bonds;

(4) to pledge or assign all or part of any net revenues of the public utility or project, to provide for or to secure the payment of the principal of and the interest on bonds issued in connection with such public utility or project;

(5) to do any and all things necessary or prudent to carry out the powers expressly granted or necessarily implied in this subchapter, including without limitation those powers enumerated in section 1824 of this title.

(b)(1) The bonds authorized under this section shall be in such form, shall contain such provisions, and shall be executed as may be determined by the legislative branch of the municipal corporation, but shall not be executed, issued, or made, and shall not be valid and binding, unless and until at least a majority of the legal voters of such municipal corporation present and voting at a duly warned annual or special meeting called for that purpose shall have first voted to authorize the same.

(2) The warning calling such a meeting shall state the purpose for which it is proposed to issue bonds, the estimated cost of the project, the amount of bonds proposed to be issued under this subchapter therefor, that such bonds are to be payable solely from net revenues, and shall fix the place where and the date on which such meetings shall be held and the hours of opening and closing the polls.

(3) The notice of the meeting shall be published and posted as provided in section 1756 of this title.

(4) When a majority of all the voters voting on the question at such meeting vote to authorize the issuance of bonds under this subchapter to pay for such project, the legislative body shall be authorized to issue bonds or enter into contracts, pledges, and assignments as provided in this subchapter.

(5) Sections 1757 and 1758 of this title shall apply to the proceedings taken hereunder, except that the form of ballot to be used shall be substantially as follows:

Shall bonds of the (name of municipality) to the amount of \$ _____ be issued under subchapter 2 of chapter 53 of Title 24, Vermont Statutes Annotated, payable only from net revenues derived from the (type) public utility system, for the purpose of paying for the following public utility project?

If in favor of the bond issue, make a cross (x) in this square .

If opposed to the bond issue, make a cross (x) in this square .

(c) The bonds authorized by this subchapter shall be sold at par, premium, or discount by negotiated sale, competitive bid, or to the Vermont Municipal Bond Bank.

(d) Notwithstanding the provisions of subsection (b) of this section, the legislative branch of a municipal corporation owning a municipal plant as defined in 30 V.S.A. § 2901 may authorize by resolution the issuance of bonds in an amount not to exceed 50 percent of the total assets of said municipal plant without the need for voter approval. Nothing in this subsection shall be

interpreted as eliminating the requirement for approval from the Public Utility Commission pursuant to 30 V.S.A. § 108, where applicable.

Sec. 2. 30 V.S.A. § 108 is amended to read:

§ 108. ISSUE OF BONDS OR OTHER SECURITIES

* * *

(b) The provisions of this section shall not apply to the Vermont Public Power Supply Authority or to a public utility which that meets each and all of the following four conditions:

(1) is incorporated in some state other than Vermont;

(2) is conducting an interstate and intrastate telephone business which that is subject to regulation by the Federal Communications Commission in some respects;

(3) is conducting telephone operations in four or more states; and

(4) has less than 10 percent of its total investment in property used or useful in rendering service located within this State to the extent that such public utility may issue stock, bonds, notes, debentures, or other evidences of indebtedness not directly or indirectly constituting or creating a lien on any property used or useful in rendering service which that is located within this State.

(c)(1) A municipality shall not issue bonds or notes or pledge its net revenues under 24 V.S.A. chapter 53, respecting the ownership or operation of a gas or electric utility, unless the Public Utility Commission first finds, upon petition of the municipality and after notice and an opportunity for hearing, that the proposed action will be consistent with the general good of the State.

(2) If the Public Utility Commission does not issue its ruling within 90 days of the filing of the petition, as may be extended by consent of the municipality, the issuance of the proposed bonds or notes or pledge of net revenues shall be deemed to be consistent with the general good of the State.

(3) If the Public Utility Commission issues a ruling in accordance with subdivision (1) of this subsection, or does not rule within the period specified in subdivision (2) of this subsection, a municipality must subsequently obtain also have obtained voter approval in accordance with 24 V.S.A. chapter 53, if required, prior to issuing bonds or notes or pledging its net revenues.

(d) Notwithstanding the provisions of subsection (c) of this section, a municipality may:

(1) issue bonds or notes or pledge its net revenues payable within three years from the date of issue without such consent, provided such borrowing is necessary in an emergency to restore service immediately after damage by disaster; ~~or~~

(2) issue bonds or notes or pledge its net revenues payable within one year of the date of issuance without the consent otherwise required by this subdivision, provided its total bonds, notes, or evidences of indebtedness so payable within one year do not exceed 20 percent of its total assets; or

(3) issue bonds or notes without the consent otherwise required by this subdivision, provided:

(A) the amount of the issuance plus the amount of any bond or note issuances during the previous 12 calendar months does not exceed 20 percent of the municipality's total assets; and

(B) after the proposed issuance, the total amount of the municipality's outstanding bonds, notes, or evidences of indebtedness would not exceed 50 percent of its total assets.

Sec. 3. 30 V.S.A. § 5031(a)(4) is amended to read:

(4) Bonds and notes may be issued in accordance with this chapter, ~~subject to~~ without the need to obtain the consent and approval of the Public Utility Commission as provided in this title.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee vote: 6-0-1)

House Proposal of Amendment to Senate Proposal of Amendment

H. 97

An act relating to fiscal year 2019 budget adjustments

The House concurs in the Senate proposal of amendment with further amendments thereto as follows:

First: By striking out Sec. 47 in its entirety and inserting in lieu thereof a new Sec. 47 to read as follows:

Sec. 47. [Deleted.]

Second: By striking out Sec. 49 in its entirety and inserting in lieu thereof a new Sec. 49 to read as follows:

Sec. 49. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.813 is amended to read:

Sec. B.813 Total commerce and community development

Source of funds

General fund	15,902,584	15,932,584
Special funds	18,557,328	18,557,328
Federal funds	25,950,869	25,950,869
Interdepartmental transfers	110,751	110,751
Enterprise funds	<u>650,605</u>	<u>650,605</u>
Total	61,172,137	61,202,137

Third: In Sec. 56, by striking out subsection (e) in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

(e) The following General Fund amount shall be reserved for appropriation or transfer in the fiscal year 2020 budget: \$12,350,000.

Fourth: In Sec. 60, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) It is the public policy of the State of Vermont to move to a continuum of mental health care that is fully integrated within the health care system. In recognition that Institutions for Mental Disease (IMDs) are an essential part of the current continuum of care, the Secretary of Human Services may seek approval from the Centers for Medicare and Medicaid Services to amend Vermont's Global Commitment to Health Section 1115 waiver as it relates to receiving expenditure authority for the treatment of serious mental illness provided to Medicaid beneficiaries.

Fifth: By striking out Sec. 73 in its entirety and inserting in lieu thereof a new Sec. 73 to read as follows:

Sec. 73. 32 V.S.A. § 10402 is amended to read:

§ 10402. HEALTH CARE CLAIMS TAX

(a) There is imposed on every health insurer an annual tax in an amount equal to ~~0.999~~ 0.8 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June

30. The annual fee shall be paid to the Commissioner of Taxes in one installment due by on or before January 1.

(b) Revenues paid and collected under this chapter shall be deposited as follows: into the General Fund.

~~(1) 0.199 of one percent of all health insurance claims into the Health IT-Fund established in section 10301 of this title; and~~

~~(2) 0.8 of one percent of all health insurance claims into the General Fund.~~

(c) The annual cost to obtain Vermont Healthcare Claims Uniform Reporting and Evaluation System (VHCURES) data, pursuant to 18 V.S.A. § 9410, for use by the Department of Taxes shall be paid from ~~the Vermont Health IT-Fund and the General Fund in the same proportion as revenues are deposited into those Funds.~~

* * *

Sixth: In Sec. 88, by striking out subdivisions (a)(2) and (a)(3) in their entirety and by striking out subdivision (a)(6)(A) in its entirety and inserting in lieu thereof a new subdivision (a)(6)(A) to read as follows:

(A) \$250,000 to be reserved to fund contracted services for research and findings to identify and examine the factors contributing to Vermont's high rate of children entering the custody of the State. Such research shall study the preventive and upstream services and interventions provided to families and the extent to which these supports to families have demonstrated effectiveness in allowing children to remain with their families. Policy recommendations resulting from this research is intended to inform funding decisions regarding these services to ensure the safety of Vermont's vulnerable children and to enhance the long-term stability and well-being of these families.

And at the end of subdivision (a)(6)(B) by adding a new sentence to read as follows: The report shall be submitted to the General Assembly on or before December 15, 2019.

And by renumbering the subdivisions to be numerically correct

Seventh: In Sec. 91, by striking out subdivision (b)(1)(D) in its entirety and inserting in lieu thereof a new subdivision (b)(1)(D) to read as follows:

(D) \$700,000 allocated in fiscal year 2019 and carried forward to fiscal year 2020 pending submission of a proposal. The CHINS workgroup shall continue its evaluation of strategic reforms to the CHINS system and may submit a proposal to the General Assembly for approval. The proposal shall have a budget and proposed method of evaluation.

Eighth: By striking out Sec. 93 in its entire and inserting in lieu thereof a new Sec. 93 to read as follows:

Sec. 93. VIDEO RECORDS RETENTION POLICY
RECOMMENDATIONS

(a) On or before March 15, 2019, the Commissioner of Public Safety shall report to the House and Senate Committees on Judiciary and on Appropriations on the status of record schedules, as defined in 3 V.S.A. § 117(a)(6), that have been approved by the State Archivist and on the status of internal proposed video records management retention policies for the Vermont State Police and Vermont law enforcement agencies that apply to dash-mounted or body-mounted camera video. The report shall include any proposed changes to the record schedules and policies, including recommendations for whether policies should be adopted or changed with respect to:

(1) the retention period for storage of such video;

(2) the process for determining when a particular case or incident warrants retaining video records for longer than the standard schedule;

(3) the manner in which the public shall be notified and kept informed about record schedules; and

(4) the budget and estimated costs for the storage of video records with a cloud-based service, including a comparison of the costs of cloud-based storage and the existing on-site physical storage, and whether cloud-based storage creates greater efficiencies in the overall management of video records.

(b) The Commissioner shall consult with the Vermont State Archives and Records Administration (VSARA) and the Agency of Digital Services for purposes of making the proposals required by subsection (a) of this section.

(c) On or before April 15, 2019, the Commissioner of Public Safety shall report the final proposed record schedules and management policies to the House and Senate Committees on Judiciary and on Appropriations.

Ninth: In Sec. 94, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Given the loss of federal matching funds for the Woodside facility, on or before April 15, 2019 the Secretary of Human Services and the Commissioner for Children and Families, in consultation with the Joint Fiscal Office, shall submit a plan to the House and Senate Committees on Judiciary and on Appropriations related to the continuation of operations beyond July 1, 2019 limited only to short-term placements of delinquent youths. Any plan

should be consistent with legislative intent related to loss of federal funding expressed in 2017 Acts and Resolves No. 85, Sec. E.327. Any plan should also consider the role of Woodside in the system of care and evaluate the current need and other treatment options for youths in Vermont and out-of-state.

Tenth: In Sec. 101, in subsection (a), by inserting five new subdivisions to be numbered (5) through (9) to read as follows:

(5) JFO #2950 - One (1) limited-service position within the Vermont Department of Environmental Conservation. The position would be titled Environmental Analyst V and would provide engineering support within the wastewater system and potable water supply program to review permit application through the Department of Environmental Conservation's five regional offices. The position would be funded with approximately \$95,000 annually through a federal award from the Drinking Water State Revolving Fund. The Department is seeking authorization for the position for two years from the date of authorization.

(6) JFO #2951 - One (1) limited-service position within the Vermont Agency of Agriculture, Food and Markets. The position would be titled Agricultural Water Quality Specialist II and would provide additional capacity for the Agency to perform its commitments to the U.S. Environmental Protection Agency (EPA) under the Lake Champlain Total Maximum Daily Load (TMDL). Specifically, this position would support the Conservation Reserve Enhancement Program, which is a program that compensates agricultural landowners for taking land out of production for a period of time and also provides cost-share for the establishment of vegetative buffers between agricultural land and waterways. The position would be funded from two sources: 1) a sub-grant from the Agency of Natural Resources that will leverage 2) grant funding from the U.S. Dept. of Agriculture.

(7) JFO #2952 - One (1) limited-service position within the Vermont Agency of Agriculture, Food and Markets. The position would be titled Agricultural Engineer I and would provide additional capacity for the Agency to perform its commitments to the U.S. Environmental Protection Agency (EPA) under the Lake Champlain Total Maximum Daily Load (TMDL). Specifically, this position would support the agricultural best management practices (BMP) program and the environmental quality incentives program. The position would provide engineering and hydrogeology assistance with agricultural waste management systems, environmental monitoring and other projects aimed at reducing environmental contamination from agricultural operations. The position would be funded by a sub-grant of federal funds from the Agency of Natural Resources.

(8) JFO #2953 - \$199,160 from the U.S. Dept. of Justice to the Vermont Department of Corrections. The funds would be used to develop a strategic plan for a system-wide approach to enhance employment outcomes of offenders who are reentering the workforce. The effort would be focused on student assessments and increasing capacity within the culinary program in the corrections kitchen. Funds would be distributed between two personal service contracts, a workforce skills certification system, a pro-start culinary trainer certification, and other supplies/packages. The planning effort would be completed through the remainder of State fiscal year 2019 and part of fiscal year 2020.

(9) JFO #2954 - \$2,295,876 from the U.S. Dept. of Labor to the Vermont Department of Labor. The funding is being provided through Phase I of the Retaining Employment and Talent After Injury/Illness Network (RETAIN) demonstration project. The overall project would be focused on developing early intervention strategies to improve stay-at-work/return-to-work (SAW/RTW) outcomes for individuals who experience a work disability while employed. One (1) limited-service position, titled Grant Manager, is associated with this request. Phase I, which is estimated to last for 18 months, would be focused on project development, while phase II would focus on broader implementation and funding for phase II would be awarded based on the outcomes of phase I. The project would be 100 percent federally funded.

Eleventh: In Sec. 103, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) The Department of Mental Health shall explore solutions to improve therapeutic care and supports for patients in emergency departments that includes the study of security protocols in emergency departments to ensure the safety of patients and hospital staff and compliance with federal regulations in consultation with:

- (1) the Vermont Association of Hospitals and Health Systems;
- (2) DAIL – Licensing and Protection;
- (3) Vermont Care Partners;
- (4) the Department of State’s Attorneys and Sheriffs; and
- (5) an individual who provides peer support services in an emergency department, appointed by Vermont Psychiatric Survivors.

Twelfth: By adding a new section to be numbered Sec. 104 to read as follows:

Sec. 104. JUDICIARY; FEDERAL TITLE IV-D FUNDS

(a) Any general funds added to the Judiciary to compensate for errors in billing for eligible federal Title IV-D funds that are greater than the actual lost funds resulting from the errors shall be carried forward to offset Title IV-D funding impacts in the fiscal year 2020 Judiciary budget.

And by renumbering the remaining sections to be numerically correct

CONCURRENT RESOLUTIONS FOR ACTION

Concurrent Resolutions For Action Under Joint Rule 16

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session day. Requests for floor consideration should be communicated to the Secretary's Office.

S.C.R. 5 (For text of Resolution, see Addendum to Senate Calendar for February 28, 2019)

H.C.R. 59 - 66 (For text of Resolutions, see Addendum to House Calendar for February 28, 2019)

CONFIRMATIONS

The following appointment will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Michael P. Touchette of Colchester – Commissioner, Department of Corrections – By Senator Benning for the Committee on Institutions. (2/28/19)

FOR INFORMATION ONLY

CROSSOVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2)) on or before **Friday, March 15, 2019**, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 22, 2019**, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.