

Senate Calendar

THURSDAY, JANUARY 30, 2020

SENATE CONVENES AT: 1:00 P.M.

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ACTION CALENDAR

UNFINISHED BUSINESS OF TUESDAY, JANUARY 7, 2020

GOVERNOR'S VETOES

S. 37.

An act relating to medical monitoring.

Pending question (to be voted by call of the roll): Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? (Two-thirds of the members present required to override the Governor's veto.)

(For text of veto message, see Senate Calendar for January 7, 2020, page 1.)

S. 169.

An act relating to firearms procedures.

Pending question (to be voted by call of the roll): Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? (Two-thirds of the members present required to override the Governor's veto.)

(For text of veto message, see Senate Calendar for January 7, 2020, page 9.)

NEW BUSINESS

Third Reading

S. 255.

An act relating to captive insurance.

Second Reading

Favorable with Proposal of Amendment

H. 760.

An act relating to fiscal year 2020 budget adjustments.

Reported favorably with recommendation of proposal of amendment by Senator Kitchel for the Committee on Appropriations.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: By striking out Secs. 12, 14, and 34 in their entirety and inserting in lieu thereof new Secs. 12, 14, and 34 to read as follows:

Sec. 12. 2019 Acts and Resolves No. 72, Sec. B.301 is amended to read:

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

Operating expenses	3,150,212	3,150,212
Grants	<u>1,631,994,544</u>	<u>1,630,119,013</u>
Total	<u>1,635,144,756</u>	<u>1,633,269,225</u>
Source of funds		
General fund	<u>562,258,602</u>	557,208,815
Special funds	34,969,169	34,969,169
Tobacco fund	21,049,373	21,049,373
State health care resources fund	<u>16,915,501</u>	21,101,110
Federal funds	<u>984,584,332</u>	983,572,979
Interdepartmental transfers	<u>15,367,779</u>	<u>15,367,779</u>
Total	<u>1,635,144,756</u>	<u>1,633,269,225</u>

Sec. 14. 2019 Acts and Resolves No. 72, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	<u>134,603,806</u>	140,308,825
Operating expenses	29,905,859	29,905,859
Grants	<u>7,314,723</u>	<u>6,764,723</u>
Total	<u>171,824,388</u>	176,979,407
Source of funds		
General fund	<u>29,222,317</u>	32,242,529
Special funds	6,096,108	6,096,108
Federal funds	124,749,165	124,749,165
Global Commitment fund	4,214,196	9,369,215
Interdepartmental transfers	<u>7,542,602</u>	<u>4,522,390</u>
Total	<u>171,824,388</u>	176,979,407

Sec. 34. 2019 Acts and Resolves No. 72, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds		
General fund	<u>997,706,686</u>	1,007,088,907
Special funds	<u>123,880,549</u>	123,986,513
Tobacco fund	23,088,208	23,088,208
State health care resources fund	<u>16,915,501</u>	21,101,110
Federal funds	<u>1,420,544,308</u>	1,422,626,911
Global Commitment fund	<u>1,590,055,367</u>	1,374,334,713
Internal service funds	2,035,610	2,035,610
Interdepartmental transfers	<u>39,446,402</u>	36,346,190
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<u>4,213,697,631</u>	4,010,633,162

Second: In Sec. 45, by striking out subdivision (c)(1) in its entirety and inserting in lieu thereof a new subdivision (c)(1) to read as follows:

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

<u>1130030000</u>	<u>Department of Libraries</u>		<u>106,000.00</u>
<u>1210001000</u>	<u>Legislative Council</u>	<u>75,000.00</u>	<u>50,000.00</u>
<u>1210002000</u>	<u>Legislature</u>	<u>175,000.00</u>	<u>200,000.00</u>
<u>1210891801</u>	<u>Working Group Expenses</u>		<u>7,704.00</u>
<u>1220000000</u>	<u>Joint Fiscal Office</u>		<u>30,000.00</u>
<u>1240001000</u>	<u>Lieutenant Governor</u>		<u>1,555.54</u>
<u>2130100000</u>	<u>State's Attorneys</u>		<u>116,991.45</u>
<u>2130200000</u>	<u>Sheriffs</u>		<u>354,968.67</u>
<u>2130400000</u>	<u>Special investigative unit</u>		<u>2,603.49</u>
<u>2170010000</u>	<u>Criminal Justice Training Council</u>		<u>6,772.00</u>
<u>3300010000</u>	<u>Vermont Veterans' Home</u>		<u>50,000.00</u>
<u>3310000000</u>	<u>Commission on Women</u>		<u>1,732.18</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>		<u>80,674.56</u>
<u>1260891402</u>	<u>Public Retirement Plan Study</u>		<u>1,159.71</u>
<u>2240891101</u>	<u>Case Mgmt Syst-docket files</u>		<u>3,777.50</u>
<u>5100891904</u>	<u>Staff to Student Task Force</u>		<u>7,320.00</u>

And by striking out subsection (f) in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

(f) The following General Fund amount shall be reserved in fiscal year 2020 for fiscal year 2021 budget expenditures: \$18,365,715. These funds shall be unreserved in fiscal year 2021.

Third: In Sec. 49 by inserting a new subsection (d) to read as follows:

(d) In fiscal year 2020, the sum of \$25,000 is appropriated to the Secretary of Administration to support initial planning and expenses of the Vermont 250th Commission to be formed to coordinate commemorative celebrations statewide for the 250th anniversary of various historic events and battles leading to our declaration as an independent State (this period is currently referred to as the Vermont Republic).

Fourth: By striking out Sec. 52 in its entirety and inserting in lieu thereof a new Sec. 52 to read as follows:

Sec. 52. 16 V.S.A. § 2857 amended to read:

§ 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

(a) Program creation. The Vermont National Guard Tuition Benefit Program (Program) is created, under which a member of the Vermont National Guard (member) who meets the eligibility requirements in subsection (c) of this section is entitled to the following tuition benefit for up to full-time attendance:

(1) For courses at either campus of the Northern Vermont University (NVU), the Vermont Technical College (VTC), the University of Vermont and State Agricultural College (UVM), or at the Community College of Vermont (CCV), the benefit shall be the in-state residence tuition rate for the relevant institution.

(2) For courses at a Vermont State College, other than NVU, VTC, or CCV, or at any eligible Vermont private postsecondary institution, the benefit shall be the in-state tuition rate charged by NVU.

(3) For courses at an eligible training institution offering nondegree, certificate training, or continuing education programs, the benefit shall be the lower of the institution's standard tuition or the in-state tuition rate charged by NVU.

* * *

Fifth: By striking out Sec. 54 in its entirety and inserting in lieu thereof a new Sec. 54 to read as follows:

Sec. 54. CALENDAR YEAR 2020 DELIVERY SYSTEM REFORM
INVESTMENT COORDINATION

(a) In order to ensure coordination of funding and the strategic alignment of resources for delivery system-reform (DSR) related investments in calendar year 2020, the Agency of Human Services shall ensure that DSR projects recommended for funding are consistent with the criteria defined in Attachment I (Menu of Approvable Delivery System Investments) of the Global Commitment to Health Section 1115 Demonstration. At a minimum, the Agency shall apply the metrics for evaluation as prescribed in Attachments I and J (Investment Application Template) of the Global Commitment to Health Section 1115 Demonstration and may also consider additional metrics that align with the Vermont All-Payer Accountable Care Organization Model Agreement's three population health and health outcomes targets. In addition,

the Agency shall require the Accountable Care Organization and DSR investment recipients to evaluate each project to determine whether it should be scaled or sunset, based on its performance against established metrics. All DSR investment projects to support implementation of Vermont's All-Payer Accountable Care Organization (ACO) model shall be designed and prioritized in partnership with the Agency and with the relevant departments within the Agency and funding shall be dependent on the approval of the Agency and relevant departments.

Sixth: By striking out Sec. 70 in its entirety and inserting two new sections to be numbered Secs. 70 and 71 to read as follows:

Sec. 70. 2019 Acts and Resolves No. 58, Sec. 5, is amended to read:

Sec. 5. CREATION OF NEW CORRECTIONAL OFFICER POSITIONS

~~On or before June 30, 2020, the Secretary of Administration shall create 30 new Correctional Officer I positions in the Department of Corrections, which shall be funded within existing departmental appropriations.~~

(a) The establishment of the following permanent classified positions is authorized in fiscal year 2020:

(1) In the Department of Corrections – fifteen (15) Correctional Officer I positions.

(b) Notwithstanding any other provision of law, through December 31, 2021, no vacant Correctional Officer I positions shall be reassigned to the Department of Human Resources State position pool.

(c) The Agency of Human Services and the Department of Corrections shall report to the Legislative Joint Justice Oversight and Joint Fiscal Committees at their respective meetings in November 2020 on the status of correctional facility staff recruitment, retention and reduction in the use of overtime, and the status of initial and ongoing training for correctional facility staff.

Sec. 71. EFFECTIVE DATES

(a) This act shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 52 (National Guard tuition benefit program) shall take effect on passage and shall apply retroactively to July 1, 2019.

(Committee vote: 7-0-0)

(No House amendments.)

Report of Committee of Conference

S. 23.

An act relating to increasing the minimum wage.

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate Bill entitled:

S.23. An act relating to increasing the minimum wage.

Respectfully reports that it has met and considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 384(a) is amended to read:

(a)(1) An employer shall not employ any employee at a rate of less than \$9.15. ~~Beginning on January 1, 2016, an employer shall not employ any employee at a rate of less than \$9.60. Beginning on January 1, 2017, an employer shall not employ any employee at a rate of less than \$10.00. Beginning on January 1, 2018, an employer shall not employ any employee at a rate of less than \$10.50, and beginning \$10.96. Beginning on January 1, 2019~~ Beginning on January 1, 2021, an employer shall not employ any employee at a rate of less than \$11.75. Beginning on January 1, 2022, an employer shall not employ any employee at a rate of less than \$12.55, and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01.

(2) An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than one-half the minimum wage. As used in this subsection, “a service or tipped employee” means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service.

(3) If the minimum wage rate established by the U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the U.S. government.

Sec. 2. TIPPED AND STUDENT MINIMUM WAGE STUDY; REPORT

On or before January 15, 2021, the Office of Legislative Council and the Joint Fiscal Office shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the potential effects of altering or eliminating the basic wage rate for tipped employees in Vermont and of eliminating the subminimum wage for secondary school students during the school year. In particular, the report shall:

(1) for states that have eliminated their tipped minimum wage, examine available research and information regarding the impact on:

(A) jobs, prices, and the state economy; and

(B) the welfare of tipped workers, women, and working families with children;

(2) for states that have increased their tipped wage during the last 10 years, examine available research and information regarding the impact on:

(A) jobs, prices, and the state economy; and

(B) the welfare of tipped workers, women, and working families with children;

(3) for states that have decoupled their tipped wage from the standard minimum wage during the last 10 years, examine available research and information regarding the impact on:

(A) jobs, prices, and the state economy; and

(B) the welfare of tipped workers, women, and working families with children;

(4) examine any available research and information regarding the projected impact in Vermont of altering or eliminating the basic wage rate for tipped employees on:

(A) jobs, prices, and the State economy; and

(B) the welfare of tipped workers, women, and working families with children;

(5) for states that have eliminated a subminimum wage for secondary school students, examine available research and information regarding the impact on:

(A) jobs, prices, and the state economy; and

(B) the welfare of individuals under 22 years of age; and

(6) for Vermont, examine available research and information regarding the projected impact in Vermont of eliminating the subminimum wage for secondary school students on:

(A) jobs, prices, and the State economy; and

(B) the welfare of individuals under 22 years of age.

Sec. 3. WAGE AND HOUR LAWS FOR AGRICULTURAL WORKERS;
REPORT

On or before January 15, 2021, the Office of Legislative Council shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the wage and hour laws for agricultural workers. In particular, the report shall:

(1) examine the overlapping legal requirements of Vermont's wage and hour laws, the federal Fair Labor Standards Act, and other federal employment laws with respect to agricultural employees and employers; and

(2) summarize how other states' wage and hour laws address agricultural employees and employers.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

*MICHAEL D. SIROTKIN
ALISON CLARKSON
REBECCA A. BALINT*

Committee on the part of the Senate

*THOMAS S. STEVENS
JOHN R KILLACKY
MARY S. HOOPER*

Committee on the part of the House

NOTICE CALENDAR
Committee Bill for Second Reading

Favorable

S. 326.

An act relating to the State Advisory Panel on Special Education.

By the Committee on Education. (Senator Hardy for the Committee.)

Reported favorably by Senator McCormack for the Committee on Appropriations.

(Committee vote: 5-0-2)

CONCURRENT RESOLUTIONS FOR NOTICE

Concurrent Resolutions For Notice 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 of the next legislative day. Requests for floor consideration should be communicated to the Secretary's Office.

H.C.R. 227 - 236 (For text of Resolutions, see Addendum to House Calendar for January 30, 2020)

CONFIRMATIONS

The following appointments 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.

Craig Bolio of Winooski – Commissioner, Department of Taxes – By Sen. Cummings for the Committee on Finance. (01/21/20)

Michael Schirling of Burlington – Commissioner, Department of Public Safety – Sen. Mazza for the Committee on Transportation. (01/29/20)

Sabina Brochu of Williston - Member, State Board of Education - By Sen. Ingram for the Committee on Education. (01/24/20)

Kyle Courtois of Georgia - Member, State Board of Education - By Sen. Perchlik for the Committee on Education. (01/24/20)

PUBLIC HEARINGS

Joint Community-Based Public Hearings on Fiscal Year 2021 State Budget

House and Senate Committees on Appropriations

Monday, February 10, 2020, 6:00 - 7:00 p.m. – The Vermont House and Senate Committees on Appropriations are seeking public input on the Governor’s Recommended FY 2021 State Budget and will hold community-based public hearings on Monday, February 10, 2020, 6:00 – 7:00 p.m. at the following 7 locations. An additional location in Springfield will be held from 5:30 – 6:30 p.m.

Barre City – Downstreet Housing and Community Development, 22 Keith Ave., Ste 100

Dorset – Dorset Town Office, 112 Mad Tom Road, East Dorset

Morrisville – People’s Academy High School, Auditorium, top of Copley Avenue

Rutland City – Rutland Public Schools, Longfellow School Building, Board Room

St. Johnsbury – St. Johnsbury House, main dining room, 1207 Main Street

St. Albans City – St. Albans City School, Library, 29 Bellows Street

Winooski – Vermont Student Assistance Corp. (VSAC), 10 East Allen Street (follow the signs when entering the building for location).

Springfield – Springfield Town Hall, 96 Main Street, 3rd Floor Conference Room (Selectmen’s Hall) **5:30-6:30 p.m.**

The Committees will take testimony on the Governor’s recommended State budget at the above dates and times. Anyone interested in testifying should come to one of the hearings. Time limits on testimony may apply depending on volume of participants. If you have a story you would like to share privately with the committee members, please contact Theresa to schedule a time.

To view the Governor's proposed budget go to the Department of Finance and Management's website.

For more information about the format of these events, contact Theresa Utton-Jerman or Rebecca Buck at tutton@leg.state.vt.us or rbuck@leg.state.vt.us, or call 802-828-5767 or toll-free within Vermont at 1-800-322-5616. Written testimony can be submitted electronically to Theresa or Rebecca through e-mail or mailed to the House and Senate Committees on Appropriations, 115 State Street, Montpelier, VT, 05633. **Requests for interpreters should be made by Monday, January 27, 2020.**

JFO NOTICE

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)(D):

JFO #2989 - \$1,250,000 from the U.S. Dept. of Justice to the VT Dept. of Children & Families to fund the expansion of mentoring opportunities for youth in rural parts of Vermont who are at risk of adverse childhood experiences (ACES), substance abuse and poverty. *Expedited review of this grant has been requested by the Administration.*

[JFO received 01/09/20]

JFO #2990 – \$3,200,000 from the Substance Abuse and Mental Health Services Administration (SAMHSA) to the VT Dept. of Health. Funds will be used to provide first responders with improved and expanded access to opioid overdose prevention training, equipment and medication. *One (1) limited-service position has been requested in conjunction with this grant.*

[JFO received 01/14/20]

JFO #2991 – \$53,768 from the National Fish and Wildlife Foundation to the VT Dept. of Fish & Wildlife. Funds will be used to restore brook trout habitat in tributaries along the Connecticut River watershed.

[JFO received 01/14/20]

JFO #2992 – \$30,000 from the Federal Emergency Management Agency to the VT Dept. of Environmental Conservation. Funds will be used to increase earthquake hazard risk awareness in areas of Chittenden County.

[JFO received 01/14/20]