

Journal of the Senate

FRIDAY, APRIL 12, 2019

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend Stannard Baker of Burlington.

Message from the House No. 43

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

S. 118. An act relating to the time frame for the adoption of administrative rules.

And has passed the same in concurrence.

The House has considered Senate proposal of amendment to the following House bill:

H. 146. An act relating to increasing the number of examiners on the Board of Bar Examiners from nine to 11 members.

And has severally concurred therein.

Message from the House No. 44

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered Senate proposals of amendment to the following House bills:

H. 7. An act relating to second degree aggravated domestic assault.

H. 19. An act relating to sexual exploitation of a person in law enforcement officer custody.

H. 394. An act relating to the disposition of the remains of veterans.

And has severally concurred therein.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 138. House concurrent resolution congratulating the 2019 Missisquoi Valley Union High School Thunderbirds Division II girls' ice hockey championship team.

H.C.R. 139. House concurrent resolution congratulating the 2019 Rutland High School Raiders Vermont Division I and New England Division II cheerleading championship team.

H.C.R. 140. House concurrent resolution honoring William Eugene Griffin on the completion of an extraordinary career as the Vermont Chief Assistant Attorney General.

H.C.R. 141. House concurrent resolution congratulating the Capitol Police on the department's 20th anniversary.

H.C.R. 142. House concurrent resolution recognizing the second full week in May as Women's Lung Health Week in Vermont.

In the adoption of which the concurrence of the Senate is requested.

Bills Referred

Pursuant to Temporary Rule 44A the following bills having failed to meet cross-over and being referred to the Committee on Rules are hereby referred to their respective committees of jurisdictions:

H. 107.

An act relating to paid family and medical leave.

To the Committee on Economic Development, Housing and General Affairs.

H. 460.

An act relating to sealing and expungement of criminal history records.

To the Committee on Judiciary.

H. 536.

An act relating to education finance.

To the Committee on Finance.

Bill Referred to Committee on Finance**H. 526.**

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to town clerk recording fees and town restoration and preservation reserve funds.

Bills Passed in Concurrence

House bills of the following titles were severally read the third time and passed in concurrence:

H. 358. An act relating to technical corrections.

H. 427. An act relating to a uniform process for foreign credential verification in the Office of Professional Regulation.

H. 436. An act relating to international wills.

Bill Amended; Third Reading Ordered**S. 162.**

Senator McCormack, for the Committee on Appropriations, to which was referred Senate committee bill entitled:

An act relating to promoting economic development.

Reported recommending that the bill be amended by striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. DUTIES CONTINGENT UPON FUNDING

The duties imposed on the Agency of Commerce and Community Development in Sec. 1 of this act are contingent upon the appropriation of funds in fiscal year 2020 for the purposes specified.

And that when so amended the bill ought to pass.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Appropriations?, Senator McCormack, requested and was granted leave to withdraw the recommendation of amendment of Committee on Appropriations.

Senator Brock, for the Committee on Finance, to which the committee bill was referred, reported that it has 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:

* * * Recruitment and Relocation * * *

Sec. 1. 3 V.S.A. § 2476 is amended to read:

§ 2476. DEPARTMENT OF TOURISM AND MARKETING

* * *

(c) Economic development marketing. The Department shall be responsible for the promotion of Vermont as great place to live, work, and do business in order to increase the benefits of economic development marketing, including:

- (1) attracting additional private investment in Vermont businesses;
- (2) recruiting new businesses;
- (3) attracting more innovators and entrepreneurs to locate in Vermont;
- (4) attracting, recruiting, and growing the workforce to fill existing vacancies in growing businesses and to retain workers and their families; and
- (5) promoting and supporting Vermont businesses, goods, and services.

* * *

Sec. 2. NEW WORKER RELOCATION INCENTIVE PROGRAM

(a) The Agency of Commerce and Community Development shall design and implement the New Worker Relocation Incentive Program, which shall include a simple certification process to certify new workers and certify qualifying expenses for a grant under this section.

(b) A new worker may be eligible for a grant under the Program for qualifying expenses in the amount of not more than \$7,500.00, consistent with the following limitations, and subject to available funding and procedures the Agency adopts to implement the program:

(1) A base grant for relocation to any area in Vermont shall be \$5,000.00.

(2) A grant for relocation to a designated labor market area may be enhanced, not to exceed \$7,500.00.

(3) The Agency shall assess applications on a rolling basis and give first priority, at any point in the application process, to workers in identified priority sectors, which may include health care, early child care and learning, lodging and restaurant industry, manufacturing, technology, and construction trades.

(4) A new worker may apply for a grant beginning January 1, 2020 and shall be paid when proof of residency and income tax liability reaches the equivalent of the amount claimed.

(5) A remote worker may apply for a grant under the Program when all funds from the New Remote Worker Grant Program created in 2018 Acts and Resolves No. 197, Sec. 1 are encumbered.

(c) The Agency shall:

(1) adopt procedures for implementing the Program;

(2) promote awareness of the Program, including through coordination with relevant trade groups and by integration into the Agency's economic development marketing campaigns; and

(3) adopt measurable goals, performance measures, and an audit strategy to assess the utilization and performance of the Program.

(d) As used in this section:

(1) "New worker" means an individual who:

(A)(i) is a full-time employee of a business with its domicile or primary place of business outside Vermont and performs the majority of his or her employment duties remotely from a home office or a coworking space located in this State; or

(ii) is a full-time employee of a business located in Vermont and

(B) becomes a full-time resident of this State on or after January 1, 2020.

(2) "Qualifying expenses" mean actual costs that a new worker incurs for:

(A) moving expenses;

(B) repayment of student loan debt;

(C) down payment assistance; and

(D) initial rental deposits.

(e) On or before October 1, 2020, the Agency shall submit a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs concerning the implementation of this section, including:

(1) a description of the procedures adopted to implement the Program;

(2) the promotion and marketing of the Program;

- (3) any additional recommendations for qualifying new worker expenses or qualifying workers that should be eligible under the Program, and
- (4) any recommendations for the maximum amount of the grant.

Sec. 3. DUTIES CONTINGENT UPON FUNDING

The duties imposed on the Agency of Commerce and Community Development in Sec. 2 of this act are contingent upon the appropriation of funds in fiscal year 2020 for the purposes specified.

* * * Vermont Employment Growth Incentive Program * * *

Sec. 4. REPEAL

32 V.S.A. § 3336 (enhanced incentive for workforce training) is repealed.

Sec. 5. ENHANCED INCENTIVES; BACKGROUND GROWTH; SMALL BUSINESS PARTICIPATION

On or before December 15, 2020, the Vermont Economic Progress Council shall submit to the Senate Committee on Economic Development, Housing and General Affairs and to the House Committee on Commerce and Economic Development a report addressing:

(1) the use of the enhanced incentive for environmental technology businesses in the Vermont Employment Growth Incentive Program and shall specifically address the effectiveness, costs, and benefits of modifying the background growth rate when calculating the value of the enhanced incentives; and

(2) specific recommendations for reducing the administrative burdens and other barriers to participation in the Program for small businesses.

Sec. 6. VERMONT EMPLOYMENT GROWTH INCENTIVE; STUDY

On or before January 15, 2020, the Agency of Commerce and Community Development, in consultation with the State Auditor, shall study and report to the House Committees on Commerce and Economic Development and on Ways and Means and to the Senate Committees on Economic Development, Housing and General Affairs and on Finance concerning the Vermont Employment Growth Incentive Program, specifically addressing the following:

(1) the internal controls and methods used to evaluate whether the program is working as intended;

(2) the procedures used to select, vet, and approve participants and projects;

(3) the controls and due diligence surrounding the application of the “but for” test;

(4) the specific outcomes of the Program in each year, including the net revenue gain to the State and the net increase in jobs, payroll, and capital investment; and

(5) the procedures and controls for measuring and verifying those Program outcomes.

* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Finance?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 27, Nays 2.

Senator Sears having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Balint, Baruth, Benning, Bray, Brock, Campion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Perchlik, Rodgers, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: Pearson, Pollina.

The Senator absent or not voting was: Ashe (presiding).

House Concurrent Resolution Adopted in Concurrence with Proposal of Amendment

H.C.R. 141

House Concurrent resolution of the following title:

House concurrent resolution congratulating the Capitol Police on the department's 20th anniversary.

Was taken up.

Thereupon, Senators Sears and Ashe moved that the Senate propose to the House to amend the House concurrent resolution by striking out the *first* Whereas clause in its entirety and inserting in lieu thereof the following:

Whereas, the first State House Security Officer was Raymond H. Quero, a U.S. Marine veteran of the Korean War and an 8 year veteran of the Montpelier City Police Force who served the General Assembly for 24 years, from 1972 until his death in 1995 and whose service was so exemplary that he was honored in J.R.H. 58 (1996 R-88) and in Act No. 185 (1996) in Sec. 1(a)(6), and

Which was agreed to.

Thereupon, the question, Shall the Senate adopt the House Concurrent resolution in concurrence with proposal of amendment?, was decided in the affirmative.

Committee Relieved of Further Consideration; Bill Committed

H. 83.

On motion of Senator Sears, the Committee on Judiciary was relieved of further consideration of House bill entitled:

An act relating to female genital cutting,

and the bill was committed to the Committee on Health and Welfare.

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

The nomination of

Fastiggi, Mary E. of Burlington - Commissioner, Department of Human Resources - March 1, 2019 to February 28, 2021.

Was confirmed by the Senate.

The nomination of

Greshin, Adam of Warren - Commissioner, Department of Finance and Management - March 1, 2019 to February 28, 2021.

Was confirmed by the Senate.

The nomination of

Pieciak, Michael of Winooski - Commissioner, Department of Financial Regulation - March 1, 2019 to February 28, 2021.

Was confirmed by the Senate.

The nomination of

Tierney, June of Randolph - Commissioner, Department of Public Service - March 1, 2019 to February 28, 2021.

Was confirmed by the Senate.

The nomination of

Tebbetts, Anson B. of Marshfield - Secretary, Agency of Agriculture, Food and Markets - March 1, 2019 to February 28, 2021.

Was confirmed by the Senate.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Reps. Savage and others,

By Senators Brock and Parent,

H.C.R. 138.

House concurrent resolution congratulating the 2019 Missisquoi Valley Union High School Thunderbirds Division II girls' ice hockey championship team.

By Reps. Fagan and others,

By Senators Hooker, Collamore and McNeil,

H.C.R. 139.

House concurrent resolution congratulating the 2019 Rutland High School Raiders Vermont Division I and New England Division II cheerleading championship team.

By Reps. Grad and Ancel,

By Senator Sears,

H.C.R. 140.

House concurrent resolution honoring William Eugene Griffin on the completion of an extraordinary career as the Vermont Chief Assistant Attorney General.

By Reps. Burke and others,

By Senators Balint, Clarkson, Hooker, Lyons, Nitka and Pollina,

H.C.R. 142.

House concurrent resolution recognizing the second full week in May as Women's Lung Health Week in Vermont.

Adjournment

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, April 16, 2019, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 23.