

Journal of the Senate

FRIDAY, JUNE 26, 2020

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Roll Call

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe <i>Presiding</i> Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey J. Parent
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil

Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 833.

An act relating to the interbasin transfer of surface waters.

To the Committee on Natural Resources and Energy.

H. 880.

An act relating to Abenaki place names on State park signs.

To the Committee on Institutions.

Rules Suspended; Third Reading Ordered

H. 963.

Appearing on the Calendar for notice, on motion of Senator Balint, the rules were suspended and House bill entitled:

An act relating to sunsets related to judiciary procedures.

Was taken up for immediate consideration.

Senator Sears, for the Committee on Judiciary, to which the bill was referred, reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Proposal of Amendment; Bill Passed in Concurrence with Proposals of Amendment

H. 572.

House bill entitled:

An act relating to the Maternal Mortality Review Panel.

Was taken up.

Thereupon, pending third reading of the bill, Senators Balint, Hardy and Ingram moved to amend the Senate proposal of amendment as follows:

First: In Sec. 1, 18 V.S.A. § 1552, in subsection (a), by inserting the following sentence at the end of the subsection:

The Panel shall consider health disparities and social determinants of health, including race and ethnicity in maternal death reviews.

Second: In Sec. 1, 18 V.S.A. § 1552, in subsection (g), by inserting after “Health and Welfare” and before the period the phrase , provided that releasing the information complies with the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment.

Bill Passed in Concurrence with Proposal of Amendment

H. 688.

House bill of the following title:

An act relating to addressing climate change.

Was read the third time and passed in concurrence with proposal of amendment, which as agreed to on a roll call, Yeas, 23, Nays 5.

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

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, Bray, Champion, Clarkson, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Pearson, Perchlik, Pollina, Sears, Sirotkin, Westman, White.

Those Senators who voted in the negative were: *Benning, Brock, Collamore, Parent, Starr.

Those Senators absent or not voting were: Ashe (presiding), Rodgers.

*Senator Benning explained his vote as follows:

Mr. President:

“I have no doubt I will be labeled a climate change denier because I am about to vote against a bill entitled “Global Warming Solutions Act.” But I am

not a climate change denier and I do believe green house gasses must be reduced. This bill does not do that.

“There are two components to this bill. The first involves development of a plan. I have no problem with that because we need one.

“The second involves enforcement of regulations yet unknown which we ourselves have failed to create. We have ceded that responsibility to the Agency of Natural Resources. The amendment to this bill yesterday strips ANR of the resources and personnel needed to do that. In short, they have been set up to fail.

“It is for those reasons I vote against this bill.”

Bill Passed in Concurrence

H. 716.

House bill of the following title was read the third time and passed in concurrence:

An act relating to Abenaki hunting and fishing licenses.

Rules Suspended; Third Reading Ordered

H. 837.

Appearing on entry on the Calendar for notice, on motion of Senator Balint, the rules were suspended and House bill entitled:

An act relating to enhanced life estate deeds.

Was taken up for immediate consideration.

Senator Benning, for the Committee on Judiciary, to which the bill was referred, reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Rules Suspended; Proposal of Amendment; Third Reading Ordered

H. 656.

Appearing on the Calendar for notice, on motion of Senator Balint, the rules were suspended and House bill entitled:

An act relating to miscellaneous agricultural subjects.

Was taken up for immediate consideration.

Senator Hardy, for the Committee on Agriculture, reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Commercial Feed * * *

Sec. 1. 6 V.S.A. § 324 is amended to read:

§ 324. REGISTRATION AND FEES

(a) No person shall manufacture a commercial feed in this State unless that person has first filed with the Vermont Agency of Agriculture, Food and Markets, in a form and manner to be prescribed by rules by the Secretary:

- (1) the name of the manufacturer;
- (2) the manufacturer's place of business;
- (3) the location of each manufacturing facility; and

(4) any other information ~~which~~ that the Secretary considers to be necessary.

(b) A person shall not distribute in this State a commercial feed that has not been registered pursuant to the provisions of this chapter. Application shall be in a form and manner to be prescribed by rule of the Secretary. The application for registration of a commercial feed shall be accompanied by a registration fee of \$105.00 per product. The registration fees, along with any surcharges collected under subsection (c) of this section, shall be deposited in the special fund created by subsection 364(e) of this title. Funds deposited in this account shall be restricted to implementing and administering the provisions of this title and any other provisions of the law relating to fertilizer, lime, or seeds. If the Secretary so requests, the application for registration shall be accompanied by a label or other printed matter describing the product.

(c) No person shall distribute in this State any feed required to be registered under this chapter upon which the Secretary has placed a withdrawal from distribution order because of nonregistration. A surcharge of \$10.00, in addition to the registration fee required by subsection (b) of this section, shall accompany the application for registration of each product upon which a withdrawal from distribution order has been placed for reason of nonregistration, and must be received before removal of the withdrawal from distribution order.

(d) No person shall distribute a commercial feed product in the State that is labeled as bait or feed for white-tailed deer.

* * * Livestock Management * * *

Sec. 2. 6 V.S.A. § 768 is amended to read:

§ 768. DUTIES OF DEALERS, TRANSPORTERS, AND PACKERS

A livestock dealer, transporter, or packer licensed under section 762 of this title shall:

(1) Maintain in a clean and sanitary condition all premises, buildings, and conveyances used in the business of buying, selling, or transporting livestock or operating a livestock auction or sales ring.

(2) Submit premises, buildings, and conveyances to inspection and livestock to inspection and test at any and such times as the Secretary may deem it necessary and advisable.

(3) Allow no livestock on livestock dealer's premises from herds or premises quarantined by the Secretary of Agriculture, Food and Markets.

(4)(A) Maintain, subject to inspection by the Secretary of Agriculture, Food and Markets or his or her agent, a record compliant with applicable State and federal statutes, rules, and regulations specified by the Secretary, including the U.S. Department of Agriculture Animal Disease Traceability rule, 9 C.F.R. Part 86. When not required under the requirements set forth in State and federal statute, the records required under this subdivision shall include:

(i) all livestock purchased, repossessed, sold, or loaned by a livestock dealer, transporter, or packer;

(ii) the complete name and address of the person from whom livestock was obtained and to whom delivered; and

(iii) the official individual identification number that is required to be applied to each livestock under the requirements of sections 1460, 1461, and 1461a of this title.

(B) For equine livestock, the requirements for the records to be maintained and the method of individual identification are set forth under chapter 102, subchapter 2 of this title.

(5) Abide by other reasonable rules that may be adopted by the Secretary of Agriculture, Food and Markets to prevent the spread of disease. A copy of all applicable rules shall be provided to all livestock dealers, packers, and transporters licensed under the terms of section 762 of this title at the time they first obtain a license.

(6) Pay the seller within 72 hours following the sale of the animal or animals.

Sec. 3. 6 V.S.A. § 1165 is amended to read:

§ 1165. TESTING OF CAPTIVE DEER

(a) Definitions. As used in this section:

(1) “Captive deer operation” means a place where deer are privately or publicly maintained, in an artificial manner, or held for economic or other purposes within a perimeter fence or confined space.

(2) “Chronic wasting disease” or “CWD” means a transmissible spongiform encephalopathy.

(b) Testing. A person operating a captive deer operation under the jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the Secretary when a captive deer in his or her control dies or is sent to slaughter. The person operating the captive deer operation shall make the carcass of a deceased or slaughtered animal available to the Secretary for testing for CWD.

(c) Cost. The cost of CWD testing required under this section shall be ~~paid by the Secretary and shall not be assessed to the person operating the captive deer operation from which a tested captive deer originated~~ assessed to the person operating the captive deer operation from which the tested captive deer originated.

Sec. 4. 6 V.S.A. § 1461a is amended to read:

§ 1461a. INTRASTATE MOVEMENT

(a) ~~The Secretary of Agriculture, Food and Markets shall require~~ Except as provided under subsection (b) of this section, all livestock being transported within the State ~~to shall~~ satisfy the requirements for official identification for interstate movement under the U.S. Department of Agriculture Animal Disease Traceability rule, 9 C.F.R. Part 86, including any future amendments to the rule, prior to leaving the premises of origin, regardless of the reason for movement or duration of absence from the premises.

(b)(1) Livestock transported from the premises of origin for purposes of receiving veterinary care at a hospital in this State are exempt from the requirements of subsection (a) of this section, provided that the livestock are returned to the premises of origin immediately following the conclusion of veterinary care.

(2) The Secretary, by procedure, may waive the requirements of subsection (a) for certain types or categories of intrastate transport of livestock.

(c) Livestock and poultry that are transported to a commercial slaughter facility within the State shall not be removed from the facility without the

facility's owner's first obtaining written permission from the State Veterinarian. For purposes of this section, arrival of the conveyance onto facility property and the offloading of livestock or poultry constitutes transport to a slaughter facility, regardless of whether the animals have been presented for antemortem inspection. The State Veterinarian may require inspection and testing prior to issuing consent for removal.

(d) Vermont-origin livestock and poultry that are transported to a slaughter facility outside this State shall not be removed from the facility and returned to Vermont without the facility's owner first obtaining written permission from the State Veterinarian. For purposes of this section, arrival of the conveyance onto facility property constitutes transport to a slaughter facility, regardless of whether the animals have been offloaded or presented for antemortem inspection. The State Veterinarian may require inspection and testing prior to issuing consent for removal.

(e) A person shall not transport out-of-state livestock or poultry into Vermont for slaughter or other purpose without written consent from the State Veterinarian if the livestock or poultry is classified as a suspect or a reactor by the U.S. Department of Agriculture or was exposed to livestock or poultry classified as a suspect or a reactor.

* * * Apiaries * * *

Sec. 5. 6 V.S.A. § 3023 is amended to read:

§ 3023. REGISTRATION; REPORT

(a) Registration. A person who is the owner of any bees, apiary, colony, or hive in the State shall register with the Secretary in writing on a form provided by the Secretary.

(b) Report. Annually the owner of any bees, apiary, colony, or hive registered under subsection (a) of this section shall submit a report to the Secretary that includes all of the following information:

(1) The location of all apiaries and number of colonies that the person owns. The location of an apiary shall become its registered location, provided that the apiary is located in accordance with the requirements of section 3034 of this title.

(2) Whether the location of any apiary will change within two weeks of the date that the report is submitted unless the change of location is to provide pollination services and the colonies will be returned to a registered apiary. Hives from a registered apiary may be moved to another registered apiary without reregistering.

(3) Whether a ~~serious~~ disease was discovered within any hive or colony in a registered apiary.

(4) Whether the owner transported into the State any colonies or used equipment, except as authorized under subsection 3032(c) of this title.

(5) Whether the owner is engaged in the rearing of queen bees or any other bees for sale, ~~if applicable~~.

(6) A current varroa mite and pest mitigation plan for each registered apiary.

(c) Notification of Secretary. The owner of any bees, apiary, colony, or hive registered under subsection (a) of this section shall notify the Secretary as soon as practicable of the detection within an apiary or hive of American foulbrood disease or other disease designated by the Secretary.

Sec. 6. 6 V.S.A. § 3025 is amended to read:

§ 3025. SECOND INSPECTION OF DISEASED COLONIES;
DESTRUCTION

The Secretary or his or her inspectors shall inspect all diseased apiaries a second time no less than 10 days after the first inspection. If the existence of disease within the apiary has been confirmed by a ~~federal~~ laboratory approved by the Secretary, the inspector may destroy any colonies of bees if he or she finds them not cured of such disease, or not treated or handled according to his or her instructions, together with honey combs, hives, or other equipment, without recompense to the owner thereof. This section shall not preclude an inspector from destroying diseased colonies at any time with the consent of the owner or his or her agent.

Sec. 7. 6 V.S.A. § 3028 is amended to read:

§ 3028. TRAFFIC IN BEES; INSPECTION; CERTIFICATION

A person engaged in the rearing of bees for sale shall have his or her apiary inspected by the Secretary prior to sale at least ~~twice during~~ once each summer season and, if any disease is found which is injurious to bees, shall at once cease to ship bees from such diseased apiary until the Secretary declares, in writing, such apiary free from all such diseases, and whenever the Secretary shall find the apiary rearing bees for sale free from disease, he or she shall furnish the owner with a certificate to that effect.

Sec. 8. 6 V.S.A. § 3032 is amended to read:

§ 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO
THE STATE

(a) Except as provided under subsections (c) and (d) of this section, bees, used equipment, or colonies shall not be brought into the State of Vermont unless approved by the Secretary by permit. The Secretary shall not approve the import of bees, used equipment, or colonies from out of state unless accompanied by a valid certificate of inspection within the previous ~~60~~ 45 days from the state or country of origin stating that the bees, used equipment, or bee colonies are free from bee disease.

(b) Any person, other than a common carrier, who knowingly transports or causes to be transported used equipment or colonies to a point within this State shall provide the Secretary with ~~a copy of the certificate of inspection not more than 72 hours after an approved import permit and certificate of inspection~~ not less than 10 days prior to entry into this State.

(c) This section shall not apply to a shipment of bees, equipment, or colonies that originated outside the State and is destined for another point that is also located outside this State.

(d) The Secretary shall not require an import permit or a valid certificate of inspection under subsection (a) of this section for bees, used equipment, or colonies that:

(1) are registered in Vermont;

(2) were transported not more than 75 miles from the registered location of the owner of the bees or colonies; and

(3) are imported back into the State within ~~90~~ 30 days of the date of original transport.

Sec. 9. 6 V.S.A. § 3033 is amended to read:

§ 3033. SHIPPING BEES OR EQUIPMENT INTO ANOTHER STATE OR COUNTRY; APPLICATION FOR INSPECTION; EXPENSES; CERTIFICATE

(a) If an owner wishes to ship bees or equipment into another state or country he or she may apply to the Secretary for an inspection for ~~serious~~ bee diseases likely to prevent the acceptance of the bees or beekeeping equipment in the state or country.

(b) Upon receipt of the application, or as soon thereafter as may be conveniently practicable, the Secretary shall comply with the request.

Sec. 10. 6 V.S.A. § 3034 is amended to read:

§ 3034. ESTABLISHING AN APIARY LOCATION

No person shall locate an apiary within two miles of an existing apiary registered to a different person, with the following exceptions:

- (1) a person may locate an apiary anywhere on his or her own property;
- (2) beekeepers with a total ownership of ten hives or less shall be exempt from this restriction;
- (3) existing apiaries so long as they are properly registered with the State are exempt;
- (4) a person may locate an apiary within two miles of another existing apiary provided the owner of the existing apiary gives written permission or the existing apiary has less than 15 hives; or
- (5) if a registered apiary of 15 or more hives should fall below and remain below 15 hives, anyone can petition the State and establish an apiary within two miles of the existing apiary provided the number of hives in the existing apiary stays below 15 for two years from the time of the petition. An apiary that loses the protection of the two-mile limit in this manner cannot be built back above the number of hives it had at the end of the two-year period.

* * * Meat Inspection * * *

Sec. 11. 6 V.S.A. § 3302 is amended to read:

§ 3302. DEFINITIONS

As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

* * *

(21) “Livestock” means any cattle, sheep, swine, goats, ~~domestic rabbits~~, horses, mules, or other equines, whether live or dead.

* * *

(24) “Meat food product” and “meat product” mean any product capable of use as human food ~~which~~ that is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, ~~domestic rabbits~~, or goats, excepting products ~~which~~ that are exempted from definition as a meat food product by the Secretary under conditions ~~which~~ that he or she may prescribe to assure that the meat or other portions of carcass contained in products are unadulterated and that products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this subdivision with respect to cattle, sheep, swine, ~~domestic rabbits~~, and goats.

* * *

* * * Agricultural Water Quality * * *

Sec. 12. 6 V.S.A. §§ 4831 and 4832 are added to read:

§ 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM

(a) The Secretary of Agriculture, Food and Markets is authorized to develop a Vermont critical source area seeding and filter strip program in addition to the federal Conservation Reserve Enhancement Program in order to compensate farmers for establishing and maintaining harvestable perennial vegetative grassed waterways and filter strips on agricultural cropland perpendicular and adjacent to the surface waters of the State, including ditches. Eligible acreage would include annually tilled cropland or a portion of cropland currently cropped as hay that will not be rotated into an annual crop for a 10-year period of time. Acreage that is currently managed as hay shall have a prior history of rotation as corn or other annual commodity crop.

(b) Incentive payments from the Agency of Agriculture, Food and Markets shall be made at the outset of a 10-year agreement to establish or maintain the acreage as harvestable grassed waterway or filter strip.

(c) The Secretary of Agriculture, Food and Markets may establish by procedure financial and technical criteria for the implementation and operation of the Vermont critical source area seeding and filter strip program.

(d) Land enrolled in the Vermont agricultural buffer program shall be considered to be in “active use” as that term is defined in 32 V.S.A. § 3752(15).

§ 4832. FARM AGRONOMIC PRACTICES PROGRAM

(a) The Farm Agronomic Practices Assistance Program is created in the Agency of Agriculture, Food and Markets to provide the farms of Vermont with State financial assistance for the implementation of soil-based practices that improve soil quality and nutrient retention, increase crop production, minimize erosion potential, and reduce agricultural waste discharges. The following practices may be eligible for assistance to farms under the grant program:

- (1) conservation crop rotation;
- (2) cover cropping;
- (3) strip cropping;
- (4) cross-slope tillage;
- (5) zone or no-tillage;
- (6) pre-sidedress nitrate tests;

(7) annual maintenance of a nutrient management plan that is no longer receiving funding under a State or federal contract, provided the maximum assistance provided to a farmer under this subdivision shall be \$2,000.00 per year;

(8) educational and instructional activities to inform the farmers and citizens of Vermont of:

(A) the impact on Vermont waters of agricultural waste discharges;
and

(B) the federal and State requirements for controlling agricultural waste discharges;

(9) implementing alternative manure application techniques; and

(10) additional soil erosion reduction practices.

(b) Funding available under section 4827 of this title for nutrient management planning may be used to fund practices under this section.

Sec. 13. REPEALS

The following are repealed on July 1, 2020:

(1) 6 V.S.A. chapter 215, subchapter 6 (critical source area seeding and filter strip program); and

(2) 6 V.S.A. chapter 215, subchapter 7 (farm agronomic practices program).

Sec. 14. 6 V.S.A. § 4871(d) is amended to read:

(d) Rulemaking; small farm certification. ~~On or before July 1, 2016, the~~ The Secretary of Agriculture, Food and Markets shall ~~adopt~~ maintain by rule requirements for a small farm certification of compliance with the ~~required agricultural practices~~ Required Agricultural Practices. The rules required by this subsection shall be adopted as part of the ~~required agricultural practices~~ Required Agricultural Practices under section 4810 of this title.

Sec. 15. 6 V.S.A. § 4988 is amended to read:

§ 4988. CERTIFICATION OF CUSTOM APPLICATOR

(a) On or before July 1, 2016, as part of the revision of the ~~required agricultural practices~~ Required Agricultural Practices, the Secretary of Agriculture, Food and Markets shall adopt by rule a process by which a custom applicator shall be certified to operate within the State. The certification process shall require a custom applicator to complete eight hours of training over each five-year period regarding:

- (1) application methods or techniques to minimize the runoff of land-applied manure or nutrients to waters of the State; and
- (2) identification of weather or soil conditions that increase the risk of runoff of land-applied manure or nutrients to waters of the State.

* * *

(d) The requirements of this section shall not apply to:

(1) an owner or operator of a farm applying manure or nutrients to a field that he or she owns or controls, provided that the owner or operator has completed the agricultural water quality training required under section 4981 of this title; or

(2) application of manure or nutrients by a farm owner or operator on a field of another farm owner or operator when the total annual volume applied is less than 50 percent of the annual manure or agricultural waste by volume generated on the farm where the manure is spread, provided that the Secretary may approve the application of more than 50 percent of the annual manure generated on a farm by another farm operator when circumstances require and application of the manure would not pose a significant potential of discharge or runoff to State waters.

(e) The Secretary may require any person applying manure under subsection (d)(2) of this section to comply with the requirement for certification of a custom applicator.

Sec. 16. 6 V.S.A. § 4817 is added to read:

§ 4817. MANAGEMENT OF NON-SEWAGE WASTE

(a) As used in this section:

(1) “Non-sewage waste” means any waste other than sewage that may contain organisms pathogenic to human beings but does not mean stormwater runoff.

(2) “Sewage” means waste containing human fecal coliform and other potential pathogenic organisms from sanitary waste and used water from any building, including carriage water and shower and wash water. “Sewage” shall not mean stormwater runoff as that term is defined in 10 V.S.A. § 1264.

(b) The Secretary may require a person transporting or arranging for the transport of non-sewage waste to a farm for deposit in a manure pit or for use as an input in a methane digester to report to the Secretary one or more of the following:

(1) the composition of the material transported, including the source of the material; and

(2) the volume of the material transported.

(c) After receipt of a report required under subsection (a), the Secretary may prohibit the import of non-sewage waste onto a farm upon a determination that the import of the material would violate the nutrient management plan for the farm or otherwise present a threat to water quality.

* * * Agricultural Development * * *

Sec. 17. 9 V.S.A. § 2465a is amended to read:

§ 2465a. DEFINITION OF LOCAL, LOCAL TO VERMONT, AND LOCALLY GROWN OR MADE IN VERMONT

(a) As used in this section:

(1) “Eggs” means eggs that are the product of laying birds, including: chickens, turkeys, ducks, geese, or quail, and that are in the shell.

(2) “Majority of ingredients” means more than 50 percent of all product ingredients by volume, excluding water.

(3) “Processed food” means any food other than a raw agricultural product and includes a raw agricultural product that has been subject to processing, such as canning, cooking, dehydrating, milling, or the addition of other ingredients. Processed food includes dairy, meat, maple products, beverages, fruit, or vegetables that have been subject to processing, baked, or modified into a value-added or unique food product.

(4) “Raw agricultural product” means any food in its raw or natural state without added ingredients, including pasteurized or homogenized milk, maple sap or syrup, honey, meat, eggs, apple cider, and fruits or vegetables that may be washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

(5) “Substantial period of its life” means an animal that was harvested in Vermont and lived in Vermont for at least one third of its life or one year.

(6) “Unique food product” means food processed in Vermont from ingredients that are not regularly produced in Vermont or not available in sufficient quantities to meet production requirements.

(b) For the purposes of this chapter and rules adopted pursuant to subsection 2453(c) of this chapter, “local,” “local to Vermont,” “locally grown or made in Vermont,” and any substantially similar term shall ~~mean that the goods being advertised originated within Vermont or 30 miles of the place~~

~~where they are sold, measured directly, point to point, except that the term “local” may be used in conjunction with a specific geographic location, such as “local to New England,” or a specific mile radius, such as “local within 100 miles,” as long as the specific geographic location or mile radius appears as prominently as the term “local,” and the representation of origin is accurate have the following meaning based on the type of food or food product:~~

~~(1) For products that are raw agricultural products, “local to Vermont” means the product:~~

~~(A) was exclusively grown or tapped in Vermont;~~

~~(B) is not milk and was derived from an animal that was raised for a substantial period of its lifetime in Vermont;~~

~~(C) is milk where a majority of the milk was produced from Vermont animals; or~~

~~(D) is honey produced by Vermont colonies located exclusively in Vermont when all nectar was collected.~~

~~(2) Except as provided in subdivision (3) of this subsection, for products that are processed foods, “local to Vermont” means:~~

~~(A) the majority of the ingredients are raw agricultural products that are local to Vermont; and~~

~~(B) the product meets one or both of the following criteria:~~

~~(i) the product was processed in Vermont; or~~

~~(ii) the headquarters of the company that manufactures the product is located in Vermont.~~

~~(3) For bakery products, beverages, or unique food products, the product meets two or more of the following criteria:~~

~~(A) the majority of the ingredients are raw agricultural products that are local to Vermont;~~

~~(B) substantial transformation of the ingredients in the product occurred in Vermont; or~~

~~(C) the headquarters of the company that manufactures the product is located in Vermont.~~

~~(c) For the purposes of this chapter and rules adopted pursuant to subsection 2453(c) of this chapter, when referring to products other than food, “local” and any substantially similar term shall mean that the goods being advertised originated within Vermont.~~

(d) For the purposes of this chapter and rules adopted under subsection 2453(c) of this title, “local,” “locally grown or made,” and substantially similar terms may be used in conjunction with a specific geographic location provided that the specific geographic location appears as prominently as the term “local” and the representation of origin is accurate. If a local representation refers to a specific city or town, the product shall have been grown or made in that city or town. If a local representation refers to a region with precisely defined political boundaries, the product shall have been grown or made within those boundaries. If a local representation refers to a region that is not precisely defined by political boundaries, then the region shall be prominently described when the representation is made, or the product shall have been grown or made within 30 miles of the point of sale, measured directly point to point.

(e) A person or company who sells or markets food or goods impacted by a change in this section shall have until January 1, 2021 to utilize existing product labels or packaging materials and to come into compliance with the requirements of this section.

* * * Weights and Measures * * *

Sec. 18. 9 V.S.A. § 2635 is amended to read:

§ 2635. GENERAL TESTING

(a) When not otherwise provided by law, the Secretary may inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale. The Secretary shall, within a 12-month period, or more or less frequently as deemed necessary, inspect and test, to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or of count, or (2) in computing the basic charge or payment for services rendered on the basis of weight, measure, or of count. However, with respect to single-service devices—that is, devices designed to be used commercially only once and to be then discarded—and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, tests may be made on representative samples of those devices; and the lots of which those samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on those samples.

(b) Upon request by the Secretary, the owner or person responsible for a weighing or measuring device subject to the requirements of this chapter shall make the device available for inspection during that business’s normal

operating hours and shall provide reasonable assistance as determined by the Secretary to complete the inspection.

Sec. 19. 9 V.S.A. § 2770 is added to read:

§ 2770. ADMINISTRATIVE PENALTIES; LICENSE SUSPENSION

(a) In addition to other penalties provided by law, the Secretary may assess administrative penalties under 6 V.S.A. § 15 for each violation of this chapter. Each violation may be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof may be deemed a separate and distinct offense.

(b) After notice and opportunity for hearing, the Secretary may suspend or revoke a license issued under this chapter for any violation of this chapter.

* * * Vermont Agricultural Credit Program; Agritourism * * *

Sec. 20. 10 V.S.A. § 374b(8) is amended to read:

(8) "Farm operation" shall mean the cultivation of land or other uses of land for the production of food, fiber, horticultural, silvicultural, orchard, maple syrup, Christmas trees, forest products, or forest crops; the raising, boarding, and training of equines, and the raising of livestock; or any combination of the foregoing activities. "Farm operation" also ~~includes~~ means the storage, preparation, retail sale, and transportation of agricultural or forest commodities accessory to the cultivation or use of such land. "Farm operation" also shall mean the operation of an agritourism business on a farm subject to regulation under the Required Agricultural Practices.

* * * Feral Swine * * *

Sec. 21. 10 V.S.A. § 4709 is amended to read:

§ 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING OF WILD ANIMALS; POSSESSION OF WILD BOAR OR FERAL SWINE

(a) A person shall not bring into, transport into, transport within, transport through, or possess in the State any live wild bird or animal of any kind, including any manner of feral swine, without authorization from the Commissioner or his or her designee. The importation permit may be granted under such regulations therefor as the Commissioner shall prescribe and only after the Commissioner has made such investigation and inspection of the birds or animals as she or he may deem necessary. The Department may dispose of unlawfully possessed or imported wildlife as it may judge best, and the State may collect treble damages from the violator of this subsection for all expenses incurred.

(b) No person shall bring into the State from another country, state, or province wildlife illegally taken, transported, or possessed contrary to the laws governing the country, state, or province from which the wildlife originated.

(c) No person shall place a Vermont-issued tag on wildlife taken outside the State. No person shall report big game in Vermont when the wildlife is taken outside the State.

(d) Nothing in this section shall prohibit the Commissioner or duly authorized agents of the Department of Fish and Wildlife from bringing into the State for the purpose of planting, introducing, or stocking or from planting, introducing, or stocking in the State any wild bird or animal.

(e) Applicants shall pay a permit fee of \$100.00.

(f)(1) The Commissioner shall not issue a permit under this section for the importation or possession of the following live species, a hybrid or genetic variant of the following species, offspring of the following species, or offspring or a hybrid of a genetically engineered variant of the following species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral hog, ~~feral swine~~, old world swine, razorback, Eurasian wild boar, or Russian wild boar (Sus scrofo Linnaeus). A feral swine is:

(A) a domestic pig that is outside of an enclosure for more than 96 hours and is free roaming on public or private land;

(B) an animal that exhibits at least one of the following skeletal characteristics:

(i) skull characteristics of an elongated snout or sloping appearance with little or no stop at the eye line;

(ii) a shoulder structure with a steep or predominate ridge along the back appearance, known as a razorback;

(iii) hindquarters proportionally smaller than the forequarters lacking natural muscling found in commercial species; or

(iv) visible tusks; or

(C) an animal that is genetically determined to be a Eurasian wild boar or Eurasian wild boar-domestic pig hybrid as characterized with an appropriate genome-wide molecular tool.

(2) The definition of feral swine under subdivision (1) of this subsection shall not include feral swine collared and used by State or federal wildlife damage management entities, such as the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services, to determine the location of free-ranging feral swine.

(3) This subsection shall not apply to the domestic pig (*Sus domesticus*) involved in domestic hog production and shall not restrict or limit the authority of the Secretary of Agriculture, Food and Markets to regulate the importation or possession of the domestic pig as livestock or as a domestic animal under Title 6 of the Vermont Statutes Annotated. At the request of the owner of a domestic pig that is outside of its enclosure, the Secretary of Agriculture, Food and Markets may assist the owner in capturing and confining the domestic pig. In providing assistance to the owner of a domestic pig under this subdivision (f)(3), the Secretary of Agriculture, Food and Markets may request support or guidance from the U.S. Department of Agriculture, Animal and Plant Health Inspection Service.

(4) Any feral swine may be removed or destroyed by the Department; the Agency of Agriculture, Food and Markets or a designee; or the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services. The Department shall notify the Agency of Agriculture, Food and Markets prior to removal of or destruction of a feral swine as defined in subdivision (f)(1)(A) of this section.

(5) The Department shall notify the Agency of Agriculture, Food and Markets of the disposition of feral swine.

(6) Any person who kills a feral swine in Vermont shall report to a State game warden and shall present the carcass to the State game warden within 24 hours.

(7) The State or its designee shall not be liable for damages or claims associated with the removal or destruction of feral swine, provided that the actions of the State agents or designees are reasonable. The removal or destruction of feral swine shall be deemed reasonable where:

(A) the Department has acted in accordance with subdivision (4) of this subsection (f); and

(B) the Department determines that the swine:

(i) is a threat to public safety;

(ii) has harmed or posed a threat to any person or domestic animal;

(iii) has damaged private or public property; or

(iv) has damaged or is damaging natural resources, including wetlands; vernal pools; wildlife and their habitats; rare and irreplaceable natural areas; or rare, threatened, or endangered species; or

(v) the Department determines that the swine constitutes or could establish a breeding feral swine population in Vermont.

Sec. 22. 13 V.S.A. § 351b is amended to read:

§ 351b. SCOPE OF SUBCHAPTER

This subchapter shall not apply to:

(1) activities regulated by the Department of Fish and Wildlife pursuant to 10 V.S.A. Part 4, including the act of destroying feral swine in accordance with 10 V.S.A. § 4709(f);

(2) scientific research governed by accepted procedural standards subject to review by an institutional animal care and use committee;

(3) livestock and poultry husbandry practices for raising, management, and use of animals;

(4) veterinary medical or surgical procedures; and

(5) the killing of an animal as provided by 20 V.S.A. §§ 3809 and 3545.

Sec. 23. 20 V.S.A. § 3350 is added to read:

§ 3350. THE DISPOSITION OF FERAL SWINE

(a) The General Assembly finds that feral swine, as defined in 10 V.S.A. § 4709, have the potential for spreading serious disease to domestic livestock, may cause devastating destruction to natural ecosystems, and pose a threat to human health and safety.

(b) In light of the potential impacts of feral swine, and notwithstanding the provisions of law in this chapter, the Department of Fish and Wildlife may destroy or euthanize a feral swine in accordance with the requirements of 10 V.S.A. § 4709(f).

(c) The exercise by the Department of Fish and Wildlife of the authority under 10 V.S.A. § 4709(f) shall not prevent any person from pursuing or collecting the remedies set forth in this chapter.

* * * Payment for Ecosystem Services and Soil Health Working Group * * *

Sec. 24. 2019 Act and Resolves No. 83, Sec. 3 is amended to read:

Sec. 3. ~~SOIL CONSERVATION PRACTICE AND PAYMENT FOR ECOSYSTEM SERVICES AND SOIL HEALTH WORKING GROUP~~

~~(a) The Secretary of Agriculture, Food and Markets shall convene a Soil Conservation Practice and Payment for Ecosystem Services and Soil Health Working Group is established to recommend financial incentives designed to~~

encourage farmers in Vermont to implement agricultural practices that exceed the requirements of 6 V.S.A. chapter 215 and that improve soil health, enhance crop resilience, increase carbon storage and stormwater storage capacity, and reduce agricultural runoff to waters. The Working Group shall:

(1) identify agricultural standards or practices that farmers can implement that improve soil health, enhance crop resilience, increase carbon storage and stormwater storage capacity, and reduce agricultural runoff to waters;

(2) recommend existing financial incentives available to farmers that could be modified or amended to incentivize implementation of the agricultural standards identified under subdivision (1) of this subsection or incentivize the reclamation or preservation of wetlands and floodplains;

(3) propose new financial incentives, including a source of revenue, for implementation of the agricultural standards identified under subdivision (1) of this subsection if existing financial incentives are inadequate or if the goal of implementation of the agricultural standards would be better served by a new financial incentive; and

(4) recommend legislative changes that may be required to implement any financial incentive recommended or proposed in the report.

(b) ~~The Soil Conservation Practice and~~ Soil Conservation Practice and Payment for Ecosystem Services and Soil Health Working Group shall consist of persons with knowledge or expertise in agricultural water quality, soil health, economic development, or agricultural financing. The Secretary of Agriculture, Food and Markets shall appoint the members that are not ex officio members. The Working Group shall include the following members:

- (1) the Secretary of Agriculture, Food and Markets or designee;
- (2) the Secretary of Natural Resources or designee;
- (3) a representative of the Vermont Housing and Conservation Board;
- (4) a member of the former Dairy Water Collaborative;
- (5) two persons representing farmer's watershed alliances in the State;
- (6) a representative of the Natural Resources Conservation Council;
- (7) a representative of the Gund Institute for Environment of the University of Vermont;
- (8) a representative of the University of Vermont (UVM) Extension;
- (9) two members of the Agricultural Water Quality Partnership;
- (10) a representative of small-scale, diversified farming; ~~and~~

- (11) a member of the Vermont Healthy Soils Coalition;
- (12) a person engaged in farming other than dairy farming;
- (13) a representative of an environmental organization with a statewide membership that has technical expertise or fundraising experience;
- (14) an agricultural economist from a university or other relevant organization within the State;
- (15) an ecosystem services specialist from UVM Extension; and
- (16) a soil scientist.

(c)(1) The Secretary of Agriculture, Food and Markets or designee shall be the Chair of the Working Group, and the representative of the Vermont Housing and Conservation Board shall be the Vice Chair.

(2) A majority of the membership of the Working Group shall constitute a quorum.

(3) The Working Group shall have the administrative, technical, and legal assistance of the Agency of Agriculture, Food and Markets.

(4) The Working Group shall cease to exist on February 1, 2022.

(d) On or before January 15, 2020 2022, the Secretary of Agriculture, Food and Markets shall submit to the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry a report including the findings and recommendations of the Soil Conservation Practice and Payment for Ecosystem Services Working Group regarding financial incentives designed to encourage farmers in Vermont to implement agricultural practices that improve soil health, enhance crop resilience, and reduce agricultural runoff to waters that shall include:

(1) a recommended payment for ecosystem services approach the State should pursue that benefits water quality, flood resilience, and climate stability, including ecosystem services to prioritize and capital or funding sources available for payments;

(2) a recommended definition of healthy soils, a recommended method or systems for measuring soil health and other indicators of ecosystem health, and a recommended tool for modeling and monitoring soil health;

(3) a recommended price, supported by evidence or other justification, for a unit of soil health or other unit of ecosystem service or benefit provided;

(4) proposed eligibility criteria for persons participating in the program;

(5) proposed methods for incorporating the recommended payment for ecosystem services approach into existing research and funding programs;

(6) an estimate of the potential future benefits of the recommended payment for ecosystem services approach, including the projected duration of the program;

(7) an estimate of the cost to the State to administer the recommended payment for ecosystem services approach; and

(8) proposed funding or sources of funds to implement and operate the recommended payment for ecosystem services approach.

(e) The Working Group may seek grants or funding other than annual appropriation in order to further the work of the Working Group.

* * * Hemp 2020 Growing Season * * *

Sec. 25. 2020 HEMP GROWING SEASON

(a) The General Assembly finds that:

(1) The federal Agricultural Act of 2014, Pub. L. No. 113-79, Sec. 7606, codified at 7 U.S.C. § 5940, authorizes states subject to certain requirements to implement agricultural pilot programs for the growing, cultivation, and marketing of industrial hemp, notwithstanding restrictions under the federal Controlled Substances Act.

(2) In Section 10113 of the Agricultural Improvement Act of 2018, Pub. L. No. 115-334, codified at 7 U.S.C. §§ 1639 (o)–(s), Congress authorized the growing, cultivation, and marketing of industrial hemp under U.S. Department of Agriculture-approved state programs and not as agricultural pilot programs.

(3) The Agricultural Improvement Act of 2018, however, authorized states operating an agricultural pilot program for industrial hemp to continue operating the agricultural pilot program until October 31, 2020.

(4) Vermont operates an agricultural pilot program for industrial hemp, but 2019 Acts and Resolves No. 44 amended 6 V.S.A. chapter 34 to provide that the State Hemp Program shall operate under the Agricultural Improvement Act of 2018.

(5) Vermont's State Hemp Program has not yet been federally approved for operation under the Agricultural Improvement Act of 2018.

(6) To clarify the authority and requirements for the cultivation and processing of industrial hemp during the 2020 growing season, the General Assembly should authorize hemp to be grown in the State under the terms and requirements of the State agricultural pilot program for hemp and not under the requirements of the Agricultural Improvement Act of 2018.

(b)(1) Notwithstanding the provisions of 6 V.S.A. chapter 34 that provide that Vermont shall operate the State Hemp Program under the Agricultural Improvement Act of 2018, the Secretary of Agriculture, Food and Markets may, during the 2020 growing season for hemp, continue to operate an agricultural pilot program for hemp as authorized by and in compliance with 7 U.S.C. § 5940.

(2) If the Secretary of Agriculture, Food and Markets operates an agricultural pilot program for hemp during the 2020 hemp growing season, the program shall not be subject to the terms of Section 10113 of the Agricultural Improvement Act of 2018, Pub. L. No. 115-334, and shall not be subject to any provision of 6 V.S.A. chapter 34 that requires compliance with the Agricultural Improvement Act of 2018. Under an agricultural pilot program, a grower or processor of hemp during the 2020 growing season shall comply with the federal requirements for the cultivation and processing of hemp established by the Agricultural Act of 2014 as codified at 7 U.S.C. § 5940 until the 2020 crop is sold and is no longer in the possession of a grower or processor.

(c) Notwithstanding any provision of State law to the contrary and notwithstanding the scheduled repeal of 7 U.S.C. § 5940 on October 31, 2020, a person shall not be in violation of the requirements of 6 V.S.A. chapter 34 if he or she grows or cultivates hemp during the 2020 hemp season or markets hemp grown during the 2020 hemp season in compliance with the terms established by the federal Agricultural Act of 2014.

* * * Hemp Seed Program * * *

Sec. 26. 6 V.S.A. § 571 is added to read:

§ 571. HEMP SEED; LABELING; STANDARDS

(a) A person shall not sell, offer for sale, expose for sale, transport for sale, or distribute in the State hemp seed that:

(1) is not labeled in accordance with the requirements of this section or rules adopted by the Secretary;

(2) fails to meet germination standards, feminized seed claims, or other claims made on the label or in an advertisement or provides false or misleading information on a label or in an advertisement;

(3) fails to meet certification standards if standards have been adopted by the Secretary by rule; or

(4) consists of or contains prohibited noxious weed seeds, as that term is defined in section 641 of this title.

(b) Hemp seed sold, offered for sale, exposed for sale, transported for sale, or distributed in the State shall have a label attached to the bag or container in which the seed is sold, offered for sale, exposed for sale, transported for sale, or distributed. The label shall contain the following information:

(1) the name and kind of each hemp seed present in excess of five percent of the whole percentage by weight;

(2) the origin state or foreign country of the hemp seed;

(3) whether the hemp seed was certified by a state or foreign country;

(4) the percentage by weight of any weed seeds in the container or bag;

(5) the percentage by weight of inert matter in the container or bag;

(6) the percentage of feminized seed;

(7) the percentage of germination of the seed;

(8) the date the seed was packed or packaged; and

(9) the name and address of the person who labeled the hemp seed or who sells, offers for sale, exposes for sale, or distributes the hemp seed in the State.

(c) The Secretary may issue a stop sale order for the violation of the requirements of this section or rules adopted by the Secretary under this chapter. The sale, processing, and movement of any seed subject to a stop sale order is prohibited until the Secretary issues a release from the stop sale order.

(d) A violation of this section or rules adopted by the Secretary under this chapter shall be subject to an administrative penalty under section 569 of this title.

(e)(1) A person injured or damaged by a violation of this section or a rule adopted by the Secretary under this chapter regarding the sale, offer for sale, exposure for sale, transport for sale, or distribution of hemp seed in the State may bring an action for equitable relief or damages arising from the violation.

(2) The cause of action authorized under this section is in addition to any common law or statutory remedies otherwise available and does not amend or conflict with the powers and authority of the Agency of Agriculture, Food and Markets.

(f) The Secretary may conduct inspections and otherwise enforce requirements for the sale or distribution of hemp seed established under this chapter according to the Secretary's general authority to regulate seed under chapter 35 of this title, provided that the Secretary shall issue any penalty for

the violation of the requirements of this chapter under the provisions of this chapter or rules adopted under this chapter.

Sec. 27. 6 V.S.A. § 566 is amended to read:

§ 566. RULEMAKING AUTHORITY

(a) The Secretary may adopt rules to provide for the implementation of this chapter and the Program authorized under this chapter, which may include rules to:

(1) require hemp to be tested during growth for tetrahydrocannabinol levels;

(2) authorize or specify the method or methods of testing hemp, including, where appropriate, the ratio of cannabidiol to tetrahydrocannabinol levels or a taxonomic determination using genetic testing;

(3) require inspection and supervision of hemp during sowing, growing season, harvest, storage, and processing; ~~and~~

(4) require labels or label information for hemp products in order to provide consumers with product content or source information or to conform with federal requirements;

(5) establish certification requirements for hemp seed sold or distributed in the State; and

(6) require disclosure or labeling of the amount of cannabinoid known to be present in hemp seed sold or distributed in the State.

(b) The Secretary shall adopt rules establishing how the Agency of Agriculture, Food and Markets will conduct research within the Program for industrial hemp.

(c) The Secretary shall adopt rules establishing requirements for the registration of processors of hemp and hemp-infused products.

* * * Vermont Housing and Conservation Board * * *

Sec. 28. 10 V.S.A. § 321 is amended to read:

§ 321. GENERAL POWERS AND DUTIES

(a) The Board shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter, including those general powers provided to a business corporation by Title 11A and those general powers provided to a nonprofit corporation by Title 11B and including, without limitation of the general powers under Titles 11A and 11B, the power to:

- (1) upon application from an eligible applicant in a form prescribed by the Board, provide funding in the form of grants or loans for eligible activities;
- (2) enter into cooperative agreements with private organizations or individuals or with any agency or instrumentality of the United States or of this State to carry out the purposes of this chapter;
- (3) issue rules in accordance with 3 V.S.A. chapter 25 for the purpose of administering the provisions of this chapter; ~~and~~
- (4) transfer funds to the Department of Housing and Community Development to carry out the purposes of this chapter;
- (5) make and execute all legal documents necessary or convenient for the exercise of its powers and functions under this chapter, including legal documents that may be made and executed with the State or any of its agencies or instrumentalities, with the United States or any of its agencies or instrumentalities, or with private corporations or individuals;
- (6) receive and accept grants from any source to be held, used, or applied or awarded to carry out the purposes of this chapter subject to the conditions upon which the grants, aid, or contributions may be made;
- (7) make and publish rules and regulations respecting its housing programs and such other rules and regulations as are necessary to effectuate its corporate purposes; and
- (8) do any and all things necessary or convenient to effectuate the purposes and provisions of this chapter and to carry out its purposes and exercise the powers given and granted in this chapter.

(b)(1) The Board shall seek out and fund nonprofit organizations and municipalities that can assist any region of the State that has high housing prices, high unemployment, ~~and~~ or low per capita incomes in obtaining grants and loans under this chapter for perpetually affordable housing.

(2) The Board shall administer the "HOME" affordable housing program ~~which~~ that was enacted under Title II of the Cranston-Gonzalez National Affordable Housing Act (Title II, P.L. 101-625, 42 U.S.C. 12701-12839). The State of Vermont, as a participating jurisdiction designated by Department of Housing and Urban Development, shall enter into a written memorandum of understanding with the Board, as subrecipient, authorizing the use of HOME funds for eligible activities in accordance with applicable federal law and regulations. HOME funds shall be used to implement and effectuate the policies and purposes of this chapter related to affordable housing. The memorandum of understanding shall include performance

measures and results that the Board will annually report on to the Vermont Department of Housing and Community Development.

(c) On behalf of the State of Vermont, the Board shall be the exclusive designated entity to seek and administer federal affordable housing funds available from the Department of Housing and Urban Development under the national Housing Trust Fund ~~which~~ that was enacted under HR 3221, Division A, Title 1, Subtitle B, Section 1131 of the Housing and Economic Reform Act of 2008 (P.L. 110-289) to increase perpetually affordable rental housing and home ownership for low and very low income families. The Board is also authorized to receive and administer federal funds or enter into cooperative agreements for a shared appreciation and/or community land trust demonstration program that increases perpetually affordable homeownership options for lower income Vermonters and promotes such options both within and outside Vermont.

(d) On behalf of the State of Vermont, the Board shall seek and administer federal farmland protection and forestland conservation funds to facilitate the acquisition of interests in land to protect and preserve in perpetuity important farmland for future agricultural use and forestland for future forestry use. Such funds shall be used to implement and effectuate the policies and purposes of this chapter. In seeking federal farmland protection and forestland conservation funds under this subsection, the Board shall seek to maximize State participation in the federal Wetlands Reserve Program and ~~such~~ other programs as is appropriate to allow for increased or additional implementation of conservation practices on farmland and forestland protected or preserved under this chapter.

(e) The Board shall inform all grant applicants and recipients of funds derived from the annual capital appropriations and State bonding act of the following: “The Vermont Housing and Conservation Trust Fund is funded by the taxpayers of the State of Vermont, at the direction of the General Assembly, through the annual Capital Appropriation and State Bonding Act.” An appropriate placard shall, if feasible, be displayed at the location of the proposed grant activity.

Sec. 29. 2017 Acts and Resolves No. 77, Sec. 12 is amended to read:

Sec. 12. ~~REPEALS~~ REPEAL

~~(a) 10 V.S.A. chapter 15, subchapter 4 (Rural Economic Development Initiative) shall be repealed on July 1, 2021; and~~

~~(b) 6 V.S.A. § 4828(d) (phosphorus removal grant criteria) shall be repealed on July 1, 2023.~~

Sec. 30. APPROPRIATIONS; VHCB; COVID-19 CONSULTING SERVICES FOR FARM AND FOOD BUSINESSES

In addition to funds appropriated in fiscal year 2021 to the Vermont Housing and Conservation Board (VHCB), \$192,000.00 is appropriated to VHCB from the Coronavirus Relief Fund to provide business, financial, and mental health assistance to farm and food businesses that suffered losses or expenses due to business interruptions caused by the COVID-19 public health emergency. Consulting services shall include information and assistance with accessing federal and State COVID-19 relief funds, access to additional markets, diversification of income streams, access to mental health services, and other assistance farm and food businesses may require to address or recover from business interruption caused by the COVID-19 public health emergency.

* * * DFR Report on Milk Pricing * * *

Sec. 31. DEPARTMENT OF FINANCIAL REGULATION; OVERSIGHT OF MILK PRICING IN VERMONT; REPORT; TASK FORCE

(a) Findings. The General Assembly finds that:

(1) The minimum pay price received by most dairy farmers in Vermont is regulated and established by the Federal Milk Market Order Program based on a complex formula, and under this formula, the regulated minimum price for Vermont dairy farms has been for many years set at an amount below the costs of production.

(2) Most dairy farmers in Vermont utilize the two remaining membership-based dairy cooperatives to sell their milk for market prices above the federally regulated minimum pay prices, and the cooperatives levy fees and other surcharges on their member dairy farmers to cover the marketing costs.

(3) Amidst radical market changes and an oversupply of milk, the dairy cooperatives recently have been unable to obtain pay prices for Vermont dairy farmers that are above the federally regulated minimum prices, and, as a result, the charges assessed to their members have often caused the net price that Vermont dairy farmers receive to fall below the regulated minimum prices and to amount to significantly less than the costs of production.

(4) Vermont dairy farms have suffered from combined regulatory and market failures, and 60 percent of the State's dairy farms subject to the federal regulatory program have closed since the year 2000.

(5) Before Vermont loses another substantial portion of its remaining dairy farming community, the State agency with expertise in financial regulation and rational market pricing should review the milk pricing system

for dairy farmers in Vermont to collect and assess data on the long-term sustainability and fairness to the Vermont dairy farming community of the federal milk market order pricing system, current market conditions, and dairy cooperative operation.

(b) Report. On or before January 15, 2021, the Commissioner of Financial Regulation shall submit to the Senate Committees on Agriculture and on Economic Development, Housing and General Affairs and the House Committees on Agriculture and Forestry and on Commerce and Economic Development an assessment of the long-term sustainability of Vermont dairy farming under the existing federal milk market order pricing system, current market conditions, and dairy cooperative operation. In developing the assessment, the Commissioner of Financial Regulation shall obtain from the Secretary of Agriculture, Food and Markets an accounting of payments made to milk producers under the federal milk market order. After consultation with the Secretary of Agriculture, Food and Markets, the Commissioner is authorized to utilize the Vermont Milk Commission's authority under 6 V.S.A. § 2936 to obtain information from milk handlers regarding the prices paid to purchase various forms of milk from Vermont producers; the costs of production, processing, transporting, distributing, and marketing milk; and any other information deemed necessary and relevant by the Commissioner. The Commissioner is also authorized to use the authority established under 6 V.S.A. § 2936, and the authority under 8 V.S.A. § 13, to assess the use and impact of payments made to milk producers. The report of the Commissioner of Financial Regulation shall include:

(1) an evaluation of the long-term sustainability of dairy farming in Vermont under the current regulatory and market conditions; and

(2) recommendations for revising regulated dairy pricing and other market regulation in the State to improve the future viability of Vermont dairy farming.

(c) Task force.

(1) After receipt of the report required under subsection (b) of this section, the Committee on Committees and the Speaker of the House shall appoint a joint committee of legislators and other experts to be known as the Task Force to Revitalize the Vermont Dairy Industry to develop legislation to implement the recommendations of the Commissioner of Financial Regulation.

(2) The Office of Legislative Council shall call the first meeting of the Task Force to occur not later than 45 days after receipt of the report required under subsection (b) of this section.

(3) The Task Force shall elect co-chairs from among its members at the first meeting.

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

(5) The Task Force shall submit draft legislation to the General Assembly on or before December 15, 2021.

(6) The Task Force shall cease to exist on March 1, 2022.

(7) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than 10 meetings. These payments shall be made from monies appropriated to the General Assembly.

(8) Other members of the Task Force that are not legislative members shall be entitled to both per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than 10 meetings. These payments shall be made from monies appropriated to the General Assembly.

* * * Forest Carbon Sequestration * * *

Sec. 32. DEPARTMENT OF FORESTS, PARKS, AND RECREATION;
TESTIMONY ON FOREST CARBON SEQUESTRATION IN
VERMONT

On or before January 15, 2021, the Commissioner of Forests, Parks, and Recreation (Commissioner), shall provide written and oral testimony to the Senate Committees on Agriculture and on Natural Resources and Energy and the House Committees on Agriculture and Forestry and on Natural Resources, Fish, and Wildlife regarding the status of forest sequestration projects and programs in the State. The testimony shall address:

(1) a summary of the education and outreach conducted by the Commissioner and other relevant parties for the public regarding forest sequestration, including information provided or available to the public regarding requirements for selling forest carbon credits, descriptions of the different markets and registries for carbon credits, procedures for establishing a forest carbon sequestration project on private land, and information describing the compatibility between forest carbon credits and State programs;

(2) the status of action by the Commissioner or other State entity in enrolling State land in a carbon market, and if State land has been enrolled in a carbon market, the basis and terms of the enrollment agreement;

(3) a summary of the efforts by the Commissioner to establish a partnership between the Agency of Natural Resources and one or more experienced private organizations to establish a statewide team to minimize the costs and maximize the benefits of enrolling public and private land into a carbon market; and

(4) a summary of the viability and health of carbon markets nationally and in the State and the economic feasibility and benefits to private and public landowners of entering carbon markets.

* * * Effective Dates * * *

Sec. 33. EFFECTIVE DATES

(a) This section, Sec. 17 (local food), Sec. 24 (payment for ecosystem services and Soil Health Working Group), Sec. 25 (2020 hemp growing season), Sec. 29 (repeal of REDI sunset), and Sec. 31 (DFR milk pricing report; task force) shall take effect on passage.

(b) The remaining sections shall take effect on July 1, 2020.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Balint, for the Committee on Finance, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Agriculture.

Senate Starr, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Agriculture with the following amendment thereto:

By striking out Sec. 30 (VHCB appropriations) in its entirety and inserting in lieu thereof the following:

Sec. 30. [Deleted.]

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of proposal of amendment of the Committee on Agriculture was amended as recommended by the Committee on Appropriations.

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Agriculture, as

amended?, Senator Champion moved to amend the proposal of amendment of the Committee on Agriculture, as amended, by inserting a new section to be numbered Sec. 32a to read as follows:

Sec. 32a. STUDY REGARDING HUMANE TREATMENT OF DAIRY ANIMALS

During the 2020 legislative interim, the Agency of Agriculture shall, in consultation with a range of stakeholders with expertise in the management of dairy animals, including organizations dedicated to promoting the welfare of animals, study the issue of humane treatment of dairy animals, and, on or before December 1, 2020, issue recommendations to the House and Senate Committees on Agriculture and the House and Senate Committees on Judiciary regarding appropriate requirements for the humane treatment of dairy animals, including:

(1) whether and how to restrict the use of tethers, tie-stalls, stanchion lockups, and continuous indoor confinement housing practices that limit natural activities such as lying down and standing up, fully extending limbs, moving about freely, exploratory behavior, and grooming;

(2) whether dairy animals should be provided with the opportunity for daily exercise or seasonally appropriate grazing, or both; and

(3) whether and how to impose requirements on flooring or bedding that would allow for normal lying and resting behavior and minimize detrimental effects on an animal's physical condition, such as susceptibility to disease, parasites, lameness, or mastitis.

Which was disagreed to.

Thereupon, the pending question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Agriculture, as amended?, was decided in the affirmative and third reading of the bill was ordered.

Rules Suspended; Proposal of Amendment; Third Reading Ordered

H. 965.

Pending entry on the Calendar for notice, on motion of Senator Balint, the rules were suspended and House bill entitled:

An act relating to health care- and human services-related appropriations from the Coronavirus Relief Fund.

Was taken up for immediate consideration.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Purpose * * *

Sec. 1. PURPOSE

(a) The purpose of this act is to appropriate \$334,350,000.00 from the Coronavirus Relief Fund to cover necessary health care- and human services-related expenses incurred due to, or as a result of, the COVID-19 pandemic.

(b)(1) Costs are not compensable under this act if the same costs or expenses have been or will be covered by insurance or by another State or federal funding source; provided, however, that this restriction does not include loans or advance payments for which repayment is expected.

(2) Costs that are eligible for coverage by other federal funding sources are not compensable under this act unless authorized by the Secretary of Administration.

* * * Coronavirus Relief Fund; Administrative Provisions * * *

Sec. 2. CONSISTENCY WITH CARES ACT AND GUIDANCE

(a) The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this act complies with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance because the costs to be covered:

(1) are necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);

(2) were not accounted for in Vermont's fiscal year 2020 budget; and

(3) were, or will be, incurred during the period beginning on March 1, 2020 and ending on December 30, 2020.

(b) Additional details regarding the consistency of each appropriation with the requirements of the CARES Act and related guidance are contained in a supplemental memorandum that accompanies this act.

Sec. 3. GRANT RECIPIENT REQUIREMENTS; REVERSION AND REALLOCATION SCHEDULE

All appropriations made from the State's Coronavirus Relief Fund (CRF) in this and other bills passed after March 1, 2020 as part of the 2020 legislative session are made with the knowledge that the statutory and regulatory context is constantly changing. Additional federal legislation may

further change the potential for and appropriateness of CRF usage. As a result:

(1) Appropriations from the CRF are subject to changes in source of funds that may occur as the result of subsequent legislation or through administrative actions, where permissible by law.

(2) Specific CRF uses may need to change based on changes to federal laws or on revised or updated federal guidance.

(3) It is the responsibility of all entities receiving CRF monies to ensure compliance with all federal guidelines as to CRF spending and use.

(4) Unless otherwise authorized by the Commissioner of Finance and Management, any monies appropriated from the CRF shall revert to the CRF to the extent that they have not been expended by December 20, 2020 to enable reallocation.

Sec. 4. CORONAVIRUS RELIEF FUND GRANTS; CONDITIONS

(a) Any person receiving a grant comprising monies from the Coronavirus Relief Fund shall use the monies only for purposes that comply with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance.

(b) Any person who expends monies from the Coronavirus Relief Fund for purposes not eligible under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance shall be liable for repayment of the funds to the State of Vermont; provided, however, that a person shall not be liable for such repayment if the person expended the monies in good faith reliance on authorization of the proposed expenditure by or specific guidance from the agency or department administering the grant program.

(c) The Attorney General or a State agency or department administering a grant program established or authorized under this act may seek appropriate criminal or civil penalties as authorized by law for a violation of the terms or conditions of the applicable program, grant, or award.

Sec. 5. CORONAVIRUS RELIEF FUND; RECORD KEEPING; COMPLIANCE; REPORTS

(a) In order to ensure compliance with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136, and related guidance, and to assist the State in demonstrating such compliance:

(1) any agency or department, and any subrecipient of a grant, that is authorized to disburse grant funds appropriated by this act shall include standard audit provisions, as required by Agency of Administration Bulletins 3.5 and 5, in all contracts, loans, and grant agreements; and

(2) each grant recipient shall report on its use of the monies received pursuant to this act to the agency or department administering the grant as required by that agency or department and shall maintain records of its expenditures of the monies for three years, or for a longer period if so required by State or federal law, to enable verification as needed.

(b) On or before August 15, 2020 and October 1, 2020, each agency or department administering a grant program pursuant to this act shall provide information to the legislative committees of jurisdiction, including the House and Senate Committees on Appropriations, regarding its distribution of grant funds to date, the amount of grant funds that remains available for distribution, and its plans for awarding the available funds by December 20, 2020.

* * * Hazard Pay for Front-Line Employees * * *

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.

(2) The sum of \$31,000,000.00 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;

(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.

(B) "Covered employer" does not include:

(i) the State;

(ii) a political subdivision of the State;

(iii) the United States;

(iv) an agency designated to provide mental health or developmental disability services, or both, pursuant to 18 V.S.A. chapter 207; or

(v) an agency with which the Commissioner of Mental Health or of Disabilities, Aging, and Independent Living, or both, has contracted to provide specialized services pursuant to 18 V.S.A. § 8912.

(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 or clients; or

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

(ii) requires frequent physical contact or close contact, or both, with people 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 with ongoing community transmission of SARS-CoV-2 and requires regular, close contact with members of the public.

(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 employed by a covered employer that has applied for a grant through the Program;

(ii) performs 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 an hourly base wage of \$25.00 or less;

(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.

(B) Notwithstanding subdivision (A)(i) of this subdivision (4), “eligible employee” includes an independent direct support provider who satisfies the requirements of subdivisions (A)(ii)–(vi) of this subdivision (4).

(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.

(5) “Eligible period” means the period from March 13, 2020 through May 15, 2020, inclusive.

(6) “Independent direct support provider” has the same meaning as in 21 V.S.A. § 1631.

(7) “Program” means the Front-Line Employees Hazard Pay Grant Program.

(8) “Secretary” means the Secretary of Human Services.

(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:

(A) \$2,000.00 for an eligible employee who worked at least 216 hours in a job with an elevated risk of exposure to COVID-19 during the eligible period; and

(B) \$1,200.00 for an eligible employee who worked at least 68 hours and less than 216 hours in a job with an elevated risk of exposure to COVID-19 during 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.

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

(4) For the sole purpose of the administration of the Program and the provision of hazard pay to independent direct support providers, ARIS Solutions, as the fiscal agent for the employers of the independent direct support providers, shall have the authority to apply for a grant in the same manner as a covered employer and to disburse hazard pay funded by that grant

to eligible independent direct support providers. Notwithstanding subdivision (b)(5) of this section, the Secretary may establish a different eligibility period for independent direct support providers based on the start and end dates of the pay periods used by ARIS Solutions that are closest to the dates set forth in subdivision (b)(5) of this section.

(5) To the extent permitted under federal law, hazard pay provided to an eligible employee through a grant provided pursuant to the Program shall not:

(A) be considered as earned income, unearned income, or a resource for the purpose of any public benefit program; or

(B) make the hazard pay recipient ineligible for any public benefit programs, including Vermont Medicaid.

(6) A covered employer may deduct any applicable payroll taxes related to the payment to an eligible employee of hazard pay funded by the Program from the amount set forth in subdivision (1) of this subsection.

(d) In order to qualify for a grant under the Program, the Secretary shall require a covered employer to certify that:

(1) the grant funds shall only be used to provide hazard pay to eligible employees;

(2) eligible employees receiving hazard pay funded by the grant shall not be required to pay an administrative fee or other charge in relation to the employer requesting a grant to provide the employee with hazard pay;

(3) it has established a process to permit eligible employees to elect not to receive hazard pay funded by a grant provided pursuant to the Program and record keeping procedures to track which employees have elected not to receive a grant; and

(4) the covered employer shall not reduce or otherwise recoup any compensation paid to or owed to an eligible employee for work performed during the eligible period as a result of the eligible employee receiving hazard pay funded by a grant obtained through the Program.

(e) The amount of the grant provided to a covered employer shall equal the total amount of hazard pay that its eligible employees qualify for pursuant to subsection (c) of this section.

(f) Each covered employer that receives a grant shall, not later than 90 days after receiving the grant and in no event later than December 15, 2020, report to the Agency on a standard form provided by the Secretary the amount of grant funds used to provide hazard pay to eligible employees and the amount of any remaining grant funds that were not spent. All unspent grant funds

shall be returned to the Agency pursuant to a procedure adopted by the Secretary.

(g)(1) The Secretary shall:

(A) adopt procedures for implementing the Program, which shall include a simple grant application process and a process to allow employers to report on their use of the grant funds awarded pursuant to this section;

(B) promote awareness of the Program to eligible employers;

(C) award grants to covered employers on a first-come, first-served basis, subject to available funding; and

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

(2) The Secretary may enter into agreements, memoranda of understanding, or contracts with private entities as necessary to implement or administer the Program and, notwithstanding any provision of law to the contrary, shall not be required to competitively bid any contracts entered into pursuant to this subdivision. 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.

(h) In addition to any other reports required pursuant to this act, on or before January 15, 2021, the Secretary shall submit a report to the General Assembly concerning the implementation of this section, including:

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

(2) the promotion and marketing of the Program; and

(3) an analysis of the utilization and performance of the Program.

(i)(1) The definition of "covered employer" set forth in subdivision (b)(2) of this act shall be deemed to include to the types of employers listed in subdivision (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.

* * * Health Care Provider Stabilization Grant Program * * *

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

(a) Appropriation. The sum of \$275,000,000.00 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.

(b) Eligible providers. Providers of health care services in the following categories shall be eligible to apply for grant funds pursuant to this section if the provider is located in Vermont and delivers health care services in this State:

- (1) hospitals, including community hospitals and psychiatric hospitals;
- (2) health care professional services, including independent medical practices, hospital-owned medical practices, designated and specialized services agencies, federally qualified health centers, rural health clinics, ambulatory surgical centers, and laboratory and imaging centers;
- (3) dental services;
- (4) other professional services, including mental health providers, residential and nonresidential substance use disorder treatment providers, emergency medical service and ambulance service providers, advanced practice registered nurses, physical therapists, podiatrists, optometrists, chiropractors, naturopathic physicians, and other health care providers licensed by the Board of Medical Practice or the Office of Professional Regulation;
- (5) home health and hospice agencies;
- (6) pharmacy services;
- (7) facility- and community-based long-term care services, including skilled nursing facilities, nursing homes, residential care homes, assisted living facilities, and adult day service providers; and
- (8) organizations recognized by the Agency of Human Services through their status as provider grant recipients providing health support services, including the area agencies on aging and organizations providing peer support services, organizations providing peer outreach services to individuals with intellectual disabilities, and organizations providing children's integrated services.

(c) Prioritization; grant amounts and terms. The Agency shall consider each application received and shall develop a prioritization methodology to determine grant award amounts. If deemed appropriate by the Secretary of Human Services, the Agency may set application deadlines and may establish more than one round of funding for the Grant Program.

- (1) The prioritization methodology shall consider:
 - (A) the impact of the grant amount on the applicant's sustainability;
 - (B) the degree to which the grant will provide or support services that would otherwise likely become limited or unavailable as a result of business disruptions caused by the COVID-19 public health emergency, including to sustain existing population health management programs, or the grant funds would enable the applicant to withstand and recover from business disruptions caused by the COVID-19 public health emergency, or both;

(C) the degree to which the applicant maintains participation in value-based payment arrangements, if applicable;

(D) the degree to which the applicant appears capable of making appropriate and efficient use of the grant funds; and

(E) any financial assistance an applicant has received from other sources.

(2) To the greatest extent possible, the Agency shall seek to balance grant awards across provider types and across geographic regions of the State.

(3) The Agency shall provide notice and outreach regarding the availability of the grants and grant applications to health care providers and provider organizations in a timely manner.

(4) The Agency shall require applicants to provide only the information necessary for the Agency to determine their financial need and consistency with the elements of the prioritization methodology.

(d) Reports.

(1) On or before August 15, 2020 and October 1, 2020, the Agency of Human Services shall provide information to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare regarding its distribution of Health Care Provider Stabilization Program grant funds to date, including the types of providers awarded funds, the aggregate amounts awarded by provider type, and the aggregate amounts awarded by geographic region of the State.

(2) On or before January 15, 2021, the Agency of Human Services shall report to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare the specific grant amount or amounts awarded to each recipient of funds under the Health Care Provider Stabilization Program.

* * * COVID-19-Related Health Disparities * * *

Sec. 8. ADDRESSING COVID-19 RELATED HEALTH DISPARITIES

(a)(1) The Department of Health shall utilize its Epidemiology and Laboratory Capacity (ELC) Enhanced Detection Grant to the greatest extent allowable to provide subgrants to community organizations to engage with specific populations most likely to experience adverse outcomes from COVID-19 based on factors such as race or ethnicity, immigrant status, sexual orientation, gender identity, disability, age, and geographic location. Subgrantees shall work directly with affected populations and conduct

outreach to isolated individuals at high risk of adverse outcomes from COVID-19 to assess and identify their needs during the COVID-19 public health emergency in order to help them protect themselves and others from the disease, such as by providing education and resources regarding prevention of COVID-19 in languages and formats appropriate to the population, assisting with access to COVID-19 testing and treatment, and identifying and addressing difficulties in safely meeting essential needs, including food, shelter, health care, and emotional support, during the public health emergency.

(2) The sum of \$500,000.00 is appropriated from the Coronavirus Relief Fund to the Department of Health in fiscal year 2021 to provide monies to the community organizations awarded subgrants in accordance with subdivision (1) of this subsection to assist them in meeting essential needs for food, shelter, health care, and emotional support identified pursuant to subdivision (1) of this subsection that are not eligible expenses under the ELC grant.

(3) To the extent feasible, the Department shall select community organizations for subgrants based on prior demonstrated work with the affected population, membership as part of the affected population, and ability to rapidly implement programming in response to the COVID-19 public health emergency.

(b) On or before August 18, 2020, the Department shall report to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare regarding:

(1) the community subgrants awarded through the ELC grant in accordance with subsection (a) of this section;

(2) any additional resources made available for the purposes set forth in subsection (a) of this section through the Coronavirus Relief Fund allocation plan approved by the Joint Fiscal Committee on May 11, 2020; and

(3) any recommendations for using additional monies from the Coronavirus Relief Fund for the purposes set forth in subsection (a) of this section through legislative appropriation or additional Joint Fiscal Committee allocation.

(c) The Department shall seek insights and recommendations from the community organizations awarded grants pursuant to this section to inform the Department's future efforts to address health disparities in Vermont. The Department shall incorporate these insights and recommendations along with the recommendations from the Governor's Racial Equity Task Force expected on or before August 15, 2020 to enhance and expand upon the Department's

previous work in addressing health disparities in Vermont and shall consider ways to continue involving members of the affected populations in the Department's health equity planning processes and action plans going forward.

* * * Mental Health Services * * *

Sec. 9. DEPARTMENT OF MENTAL HEALTH; SUICIDE PREVENTION

(a) At the time of enactment of this act, the Department of Mental Health has an application pending for a grant from the federal Substance Abuse and Mental Health Services Administration (SAMHSA) for suicide prevention activities necessitated by the COVID-19 public health emergency. If the Department's SAMHSA grant application is successful, the Department shall utilize the funds awarded to the greatest extent possible to implement suicide prevention initiatives focused on individuals at heightened risk of death by suicide due to economic stress, social isolation, or other impacts of the COVID-19 pandemic. If the Department does not receive the SAMHSA grant, the Department shall notify the General Assembly promptly and shall inform the General Assembly of any resources that can be made available for suicide prevention initiatives through the Coronavirus Relief Fund allocation plan approved by the Joint Fiscal Committee on May 11, 2020 or of any recommendations to use additional monies from the Coronavirus Relief Fund through legislative appropriation or additional Joint Fiscal Committee allocation for these purposes, or both.

Sec. 10. PATHWAYS VERMONT; PEER WARM LINE

The sum of \$200,000.00 is appropriated from the Coronavirus Relief Fund to the Department of Mental Health in fiscal year 2021 for purposes of a grant to Pathways Vermont to operate its peer warm line 24 hours per day, seven days per week until December 30, 2020 and to conduct outreach to health care providers and others across Vermont to make them aware of the warm line and encourage them to use it.

* * * Addressing Food Insecurity * * *

Sec. 11. VERMONT FOODBANK; FOOD INSECURITY

The sum of \$4,700,000.00 is appropriated from the Coronavirus Relief Fund to the Department for Children and Families in fiscal year 2021 for distribution to the Vermont Foodbank for purpose of addressing food insecurity throughout the State, including purchasing more food and necessities, such as diapers, toilet paper, and cleaning supplies; providing subgrants to partner food shelves and meal sites; and for additional personnel, supplies, materials, warehouse space, delivery services, and equipment to meet the increased need of Vermonters for access to food as a result of the COVID-19 public health emergency.

Sec. 12. AGENCY OF EDUCATION; SUMMER MEALS FOR CHILDREN

Up to \$12,000,000.00 of monies previously appropriated in fiscal year 2020 to the Agency of Education from the Coronavirus Relief Fund for the purpose of reimbursing COVID-19 costs incurred by school districts may be distributed to Summer Meal Sponsors for purposes of continuing meal delivery services to children during the months of June, July, and August. Funds used for the provision of summer meals shall not be subtracted from a district's first and second fiscal year 2021 education fund payments.

(1) The Agency shall continue to seek waivers from the U.S. Department of Agriculture for the Summer Food Service Program to enable the State to draw down federal funds for the delivery of meals in accordance with this section.

(2) On or before August 18, 2020, the Agency shall report to the General Assembly regarding the status, cost, and funding sources available for summer meal delivery and shall make any recommendation for additional Coronavirus Relief Fund monies for this purpose from a subsequent Joint Fiscal Committee allocation or legislation.

Sec. 13. MEALS TO OLDER VERMONTERS AND OTHER
VULNERABLE POPULATIONS

On or before August 18, 2020, the Department for Disabilities, Aging, and Independent Living shall report to the Joint Fiscal Committee on:

(1) the adequacy of Title III funding for older Vermonters and other vulnerable populations, including:

(A) specific federal COVID-19 funding provided to date for the provision of meals to the elderly and vulnerable populations; and

(B) funds distributed to the Area Agencies on Aging for the purpose of providing nutrition services to older Vermonters and other vulnerable populations;

(2) any funds made available for older Vermonters and other vulnerable populations from the Coronavirus Relief Fund pursuant to the Joint Fiscal Committee's May 11, 2020 approved plan; and

(3) any recommendation for additional Coronavirus Relief Fund monies for older Vermonters and other vulnerable populations from a subsequent Joint Fiscal Committee allocation or legislation.

* * * Child Care, Family Supports, and Vulnerable Populations * * *

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) 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) 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.

Sec. 15. GRANTS TO VULNERABLE POPULATIONS

The sum of \$2,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Human Services in fiscal year 2021 for the purposes of distributing the monies among populations made vulnerable by the COVID-19 public health emergency as determined by a needs-based assessment. The populations served by this section shall include older Vermonters; individuals with a disability, including advocacy organizations such as the Green Mountain Self-Advocates; and households living below 300 percent of the Federal Poverty Level. Monies distributed pursuant to this section shall assist the designated populations in addressing permissible household needs under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance, such as:

(1) cleaning supplies and personal protective equipment to prevent infection by transmission of COVID-19;

- (2) cash assistance to families with children under six years of age;
- (3) expenses related to remote learning or employment, including access to the Internet; and
- (4) transportation-related expenses to offset limited public transportation options during the COVID-19 public health emergency.

* * * Supports for New Americans, Refugees, and Immigrants * * *

Sec. 16. SUPPORTS FOR NEW AMERICANS, REFUGEES, AND IMMIGRANTS

The sum of \$700,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Human Services in fiscal year 2021 for distribution in equal amounts to the Association of Africans Living in Vermont and the U.S. Committee for Refugees and Immigrants' Vermont Refugee Resettlement Program for various purposes related to COVID-19, including:

(1) hiring outreach staff to communicate health and hygiene information related to COVID-19 in many languages, including the symptoms of COVID-19, how to access health care, and the importance of social distancing;

(2) preparing and delivering care packages of food, clothing, and cleaning and hygiene products to persons experiencing economic hardship as a result of high unemployment rates, business closure, or significant business interruption during the COVID-19 pandemic;

(3) providing navigation of case management services to clients in need of unemployment insurance, Reach Up, the Supplemental Nutrition Assistance Program, and other benefits as a result of high unemployment rates, business closure, or significant business interruption during the COVID-19 pandemic; and

(4) hiring outreach staff to collaborate with the Department for Children and Families' Child Development Division to assist New Americans interested in becoming registered family child care providers, including gaining a better understanding of the challenges facing New Americans in accessing child care as a result of the COVID-19 public health emergency and providing a career path for New Americans who have lost employment as a result of COVID-19.

* * * COVID-19 Public Health Precautions on State Lands * * *

Sec. 17. AGENCY OF NATURAL RESOURCES; COVID-19 PUBLIC HEALTH EXPENSES ON STATE LANDS

(a) In addition to any other funds appropriated to the Agency of Natural Resources in fiscal year 2021, the amount of \$2,500,000.00 is appropriated

from the Coronavirus Relief Fund in fiscal year 2021 for necessary expenditures incurred by the Agency for the purpose of implementing COVID-19 public health precautions on lands owned or controlled by the Agency of Natural Resources. Eligible projects to implement COVID-19 public health precautions include:

(1) updating of signage or information provided at entry to or access to trails, access areas, forests, parks, or other areas where information regarding COVID-19 public health precautions would be available to the users;

(2) temporary campsites or structures to allow for proper social distancing of users and staff;

(3) the cost or expense of services or equipment required to clean or sanitize public spaces; and

(4) expanding, improving, or adding public access to State lands and public waters to allow greater social distancing among users, including purchasing, building, repairing, or expanding parking areas, boat ramps, restrooms, trail heads, visitor centers, and other amenities.

(b) Of the funds appropriated in subsection (a) of this section, \$120,000.00 shall be allocated to the Vermont Youth Conservation Corps to provide youth with employment opportunities by working on the eligible projects undertaken pursuant to this section.

* * * Legislative Branch; Health and Safety * * *

Sec. 18. LEGISLATIVE BRANCH; HEALTH AND SAFETY; COVID-19
MITIGATION

(a) The sum of \$750,000.00 is appropriated from the Coronavirus Relief Fund to the Legislature for use by the Legislature, Sergeant at Arms, and the Office of Legislative Information Technology in fiscal year 2021 for the following purposes:

(1) contracting with an independent third party for an assessment of the space and health and safety needs of the Legislative Branch for COVID-19 mitigation and meeting social distancing requirements.

(2) COVID-mitigation equipment or upgrades to the State House, including personal protective equipment (PPE) and other health and safety equipment or infrastructure;

(3) to purchase any equipment or implement upgrades or space transfers recommended in the assessment described in subdivision (1) of this subsection; and

(4) to purchase legislative information technology equipment, including any networking set-up required for the State House or new legislative space, camera and video set-up, and purchasing hardware, such as laptops and tablets.

(b) Authorization. On or before July 10, 2020, the Sergeant at Arms, in consultation with the Department of Buildings and General Services, shall contract with an independent third party for a short-term and long-term space and health and safety needs assessment for the Legislative Branch for COVID-19 mitigation. The assessment shall include:

(1) recommendations for health and safety infrastructure measures needed to protect staff, legislators, and the public; mitigate COVID-19; and meet social distancing requirements in the State House and any other Legislative Branch space;

(2) short and long-term options for use of space or development of additional space in the Capitol Complex for legislators, committee meetings, and legislative staff offices, including 133 State Street; and

(3) short and long-term options for use of space for legislators, committee meetings, and legislative staff offices statewide.

(c) Report. On or before August 19, 2020, the Sergeant at Arms shall submit the assessment described in subsection (a) of this section to the House Committee on Corrections and Institutions and the Senate Committee on Institutions. The assessment shall include cost estimates for the recommendations and options described in subdivisions (a)(1)–(3) of this section.

(d) Contracting procedures. Notwithstanding any provision of law to the contrary, the Sergeant at Arms may enter into a contract with an independent third party for the assessment described in this section without the need to competitively bid such contracts. For the purposes of the assessment, 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.

* * * Public Health; Independent Colleges * * *

Sec. 19. DEPARTMENT OF HEALTH; INDEPENDENT COLLEGES;
COVID-19 TESTING

(a) The Department of Health shall provide technical and planning assistance to Vermont’s independent colleges regarding the reopening of their campuses and the return of students for the fall 2020 semester in a manner that is consistent with public health by making preparations for COVID-19 screening and testing for students, faculty, and staff.

(b) The Department shall collaborate with Vermont's independent colleges to determine the expenditures to conduct the COVID-19 screening and testing and to identify available sources to cover these costs, such as health insurance coverage and federal funds, including those allocated to the Governor's Emergency Education Relief Fund. If available funds are not sufficient to cover the colleges' COVID-19 screening and tests, the Department shall submit a request to the Joint Fiscal Committee for allocation of monies from the Coronavirus Relief Fund to the colleges for the costs not covered by other sources.

* * * Effective Date * * *

Sec. 20. EFFECTIVE DATE

This act shall take effect on passage.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Appropriations?, Senator Kitchel moved to amend the proposal of amendment of the Committee on Appropriations, as follows:

In Sec. 1, purpose, in subsection (a), by striking out “\$334,350,000.00” following “appropriate” and inserting in lieu thereof \$329,350,000.00

Which was agreed to.

Thereupon, the pending question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Appropriations, as amended?, was agreed to and third reading of the bill was ordered, on a roll call, Yeas 27, Nay 0.

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

Roll Call

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

Those Senators who voted in the negative were: None.

Those Senators absent or not voting were: Ashe (presiding), Baruth, Rodgers.

Rules Suspended; Bills Messaged

On motion of Senator Balint, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

H. 572, H. 688, H. 716.

Recess

On motion of Senator Mazza the Senate recessed until Noon.

Called to Order

The Senate was called to order by the President *pro tempore*.

Joint Senate Resolution Adopted on the Part of the Senate**J.R.S. 59.**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Ashe,

J.R.S. 59. Joint resolution relating to an Interim Adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, June 26, 2020, or Saturday, June 27, 2020, it be to meet again no later than Tuesday, August 25, 2020.

Rules Suspended; Third Reading Ordered**H. 754.**

Appearing on the Calendar for notice, on motion of Senator Balint, the rules were suspended and House bill entitled:

An act relating to restructuring and reorganizing General Assembly staff offices.

Was taken up for immediate consideration.

Senator Balint, for the Committee on Rules, to which the bill was referred, reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Rules Suspended; Bills Placed in All Remaining Stages of Passage

On motion of Senator Balint, the rules were suspended, and the following bills were severally placed in all remaining stages of passage:

H. 656, H. 837, H. 963.

Bill Passed in Concurrence with Proposal of Amendment**H. 656.**

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

An act relating to miscellaneous agricultural subjects.

Bills Passed in Concurrence

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

H. 837. An act relating to enhanced life estate deeds.

H. 963. An act relating to sunsets related to judiciary procedures.

Recess

On motion of Senator Ashe the Senate recessed until 2:00 P.M..

Called to Order

The Senate was called to order by the President.

Rules Suspended; Bills Placed in All Remaining Stages of Passage

On motion of Senator Ashe, the rules were suspended, and the following bills were severally placed in all remaining stages of passage:

H. 754, H. 965.

Bill Passed in Concurrence**H. 754.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to restructuring and reorganizing General Assembly staff offices.

**Rules Suspended; Proposals of Amendment; Third Reading Ordered;
Rules Suspended; Bill Passed in Concurrence with Proposals of
Amendment****H. 683.**

Pending entry on the Calendar for notice, on motion of Senator Ashe, the rules were suspended and House bill entitled:

An act relating to the protection of migratory birds.

Was taken up for immediate consideration.

Senator Campion, for the Committee on Natural Resources and Energy, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill as follows:

First: By striking out Sec. 2, 10 V.S.A. § 4902, in its entirety and inserting in lieu thereof the following:

§ 4902. WILD BIRDS GENERALLY; NO OPEN SEASON; EXCEPTION

(a) Wild birds, other than pigeons, shall not be taken, possessed, bought, or sold, at any time, except as provided by this part, rules of the Board or orders of the Commissioner. ~~Birds coming from without the State belonging to the same family as those protected by this subchapter shall not be bought or sold.~~

(b) Harm or death of a migratory bird listed as protected in the Migratory Bird Treaty Act, 16 U.S.C. §§ 703–712 as of July 1, 2020, that results from human activity where the intent was not to harm or kill the bird, but where bird harm or death was a direct and foreseeable result of the activity, is prohibited. Nothing in this section shall require the Department to implement a new permitting program.

Second: In Sec. 3, 10 V.S.A. § 4910, by striking out the following:

“Enforcement of this provision, shall be in accordance with 10 V.S.A. Section 4520.”

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered.

Thereupon, on motion of Senator Ashe, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence with proposals of amendment.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment.

**Rules Suspended; Proposal of Amendment; Third Reading Ordered;
Rules Suspended; Bill Passed in Concurrence with Proposal of
Amendment**

H. 956.

Pending entry on the Calendar for notice, on motion of Senator Ashe, the rules were suspended and House bill entitled:

An act relating to miscellaneous amendments to alcoholic beverage laws.

Was taken up for immediate consideration.

Senator Clarkson, for the Committee on Economic Development, Housing and General Affairs, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 221 is amended to read:

§ 221. FIRST-CLASS LICENSES

(a)(1) With the approval of the Board of Liquor and Lottery, the control commissioners may grant a first-class license to a retail dealer for the premises where the dealer carries on business if the retail dealer submits an application and pays the fee provided in section 204 of this title and satisfies the Board that the premises:

(A) are leased, rented, or owned by the retail dealer; and

(B) are devoted primarily to dispensing meals to the public and have adequate and sanitary space and equipment for preparing and serving meals, except in the case of clubs or holders of a manufacturer's or rectifier's license; ~~and~~

~~(C) have adequate and sanitary space and equipment for preparing and serving meals.~~

* * *

Sec. 2. 7 V.S.A. § 223 is amended to read:

§ 223. THIRD-CLASS LICENSES

(a) The Board of Liquor and Lottery may grant to a person who operates a hotel, restaurant, club, boat, or railroad dining car, or who holds a manufacturer's or rectifier's license, a third-class license if:

* * *

(3) the applicant satisfies the Board that:

(A) the applicant is the bona fide owner or lessee of the premises, boat, or railroad dining car;

(B) except in the case of clubs or holders of a manufacturer's or rectifier's license, the premises, boat, or railroad dining car has adequate and sanitary space and equipment for preparing and serving meals to the public; ~~and~~

(C) the premises, boat, or railroad dining car is operated for the purpose covered by the license.

* * *

Sec. 3. 2019 Acts and Resolves No. 73, Sec. 51 is amended to read:

Sec. 51. EFFECTIVE DATES

(a) Sec. 47 (special event permits) and Sec. 50 (repeal of manufacturer grandfather provision) shall take effect on ~~July 1, 2020~~ July 1, 2021.

(b) All remaining sections shall take effect on July 1, 2019.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered.

Thereupon, on motion of Senator Ashe, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence with proposal of amendment.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Rules Suspended; House Proposal of Amendment Concurred In

S. 232.

Appearing on the Calendar for notice, on motion of Senator Ashe, the rules were suspended and House proposal of amendment to House bill entitled:

An act relating to implementing the expansion of juvenile jurisdiction.

Was taken up for immediate consideration.

The House proposes to the Senate to amend the bill by striking out Secs. 12-16 and inserting in lieu thereof the following:

Sec. 12. EFFECTIVE DATES

(a) Secs. 3 (33 V.S.A. § 510(c)) and 7 (33 V.S.A. § 5206) shall take effect on July 1, 2022.

(b) The rest of this act shall take effect on July 1, 2020.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Rules Suspended; Bill Placed in All Remaining Stages of Passage

On motion of Senator Ashe, the rules were suspended, and the following bill was placed in all remaining stages of passage:

H. 965.**Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment****H. 965.**

House bill entitled:

An act relating to health care- and human services-related appropriations from the Coronavirus Relief Fund.

Was taken up.

Thereupon, pending third reading of the bill, Senator Kitchel moved to amend the Senate proposal of amendment as follows:

First: In Sec. 1, purpose, in subsection (a), by striking out “\$329,350,000.00” following “appropriate” and inserting in lieu thereof \$326,850,000.00

Second: In Sec. 6, Front-Line Employees Hazard Pay Grant Program, in subdivision (a)(2), by striking out “\$31,000,000.00” following “The sum of” and inserting in lieu thereof \$28,000,000.00

Third: In Sec. 7, Agency of Human Services; Health Care Provider Stabilization Grant Program, 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 prioritization methodology shall consider:

(A) the impact of the grant amount on the applicant’s sustainability, not the applicant’s size or its proportion of health care spending in this State;

(B) the degree to which the grant will provide or support services that would otherwise likely become limited or unavailable as a result of business disruptions caused by the COVID-19 public health emergency, including to sustain existing population health management programs, or the grant funds would enable the applicant to withstand and recover from business disruptions caused by the COVID-19 public health emergency, or both;

(C) the degree to which the applicant would use the grant funds to support existing patient financial assistance programs or to enable the applicant to continue providing services to Medicaid beneficiaries, or both;

(D) the degree to which the applicant maintains participation in value-based payment arrangements, if applicable;

(E) the degree to which the applicant appears capable of making appropriate and efficient use of the grant funds; and

(F) any financial assistance an applicant has received from other sources.

Fourth: By striking out Sec. 13, Meals to Older Vermonters and Other Vulnerable Populations, in its entirety and by inserting a new Sec. 13 to read as follows:

Sec. 13. MEALS TO OLDER VERMONTERS AND OTHER
VULNERABLE POPULATIONS

On or before August 18, 2020, the Department for Disabilities, Aging, and Independent Living shall report to the Joint Fiscal Committee on:

(1) the adequacy of funding for the provision of nutrition services to older Vermonters and other vulnerable populations served by the Department, including:

(A) specific federal COVID-19 funding provided to date for the provision of nutrition services to the elderly and vulnerable populations served by the Department; and

(B) Older Americans Act funds distributed to the Area Agencies on Aging for the purpose of providing nutrition services to older Vermonters;

(2) any funds made available for nutrition services for older Vermonters and other vulnerable populations from the Coronavirus Relief Fund pursuant to the Joint Fiscal Committee's May 11, 2020 approved plan; and

(3) any recommendation for additional Coronavirus Relief Fund monies for nutrition services for older Vermonters and other vulnerable populations from a subsequent Joint Fiscal Committee allocation or legislation.

Fifth: By striking out Sec. 15, Grants to Vulnerable Populations, in its entirety, and inserting in lieu thereof a new Sec. 15 to read as follows:

Sec. 15. GRANTS TO VULNERABLE POPULATIONS

The sum of \$2,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Human Services in fiscal year 2021 for the purposes of distributing the monies among populations made vulnerable by the COVID-19 public health emergency as determined by a needs-based assessment. The populations served by this section shall be households living below 300 percent of the Federal Poverty Level, including families receiving Reach Up,

older Vermonters, and individuals with a disability. Monies distributed pursuant to this section shall assist the designated populations in addressing permissible household needs under Sec. 5001 of the CARES Act, Pub. L. No. 116–136 and related guidance.

Sixth: In Sec. 17, Agency of Natural Resources; COVID-19 public health expenses on State lands, in subsection (a), by striking out “\$2,500,000.00” following “the amount of” and inserting in lieu thereof \$3,000,000.00

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment.

Rules Suspended; Bills Messaged

On motion of Senator Ashe, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

H. 656, H. 683, H. 754, H. 837, H. 956, H. 963, H. 965.

Rules Suspended; Bill Delivered

On motion of Senator Ashe, the rules were suspended, and the following bill was ordered delivered to the Governor forthwith:

S. 232.

Bill Recommended

Senator Ashe moved that Senate bill entitled:

S. 349. An act relating to emergency funding for local government.

be recommitted to the Committee on Appropriations,

Which was agreed to.

Rules Suspended; Proposal of Amendment; Third Reading Ordered

H. 966.

Pending entry on the Calendar for notice, on motion of Senator Ashe, the rules were suspended and House bill entitled:

An act relating to COVID-19 funding and assistance for broadband connectivity, housing, and economic relief .

Was taken up for immediate consideration.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House to

amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Purpose * * *

Sec. 1. PURPOSE

(a) The purpose of this act is to appropriate \$209,500,000.00 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.

(b)(1) Costs are not compensable under this act if the same costs or expenses have been or will be covered by insurance or by another State or federal funding source; provided, however, that this restriction does not include loans or advance payments for which repayment is expected.

(2) Costs that are eligible for coverage by other federal funding sources are not compensable under this act unless authorized by the Secretary of Administration.

* * * Coronavirus Relief Fund; Administrative Provisions * * *

Sec. 2. CONSISTENCY WITH CARES ACT AND GUIDANCE

(a) The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this act complies with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance because the costs to be covered:

(1) are necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);

(2) were not accounted for in Vermont's fiscal year 2020 budget; and

(3) were, or will be, incurred during the period beginning on March 1, 2020 and ending on December 30, 2020.

(b) Additional details regarding the consistency of each appropriation with the requirements of the CARES Act and related guidance are contained in a supplemental memorandum that accompanies this act.

Sec. 3. GRANT RECIPIENT REQUIREMENTS; REVERSION AND REALLOCATION SCHEDULE

All appropriations made from the State's Coronavirus Relief Fund (CRF) in this and other bills passed after March 1, 2020 as part of the 2020 legislative session are made with the knowledge that the statutory and regulatory context is constantly changing. Additional federal legislation may further change the potential for and appropriateness of CRF usage. As a

result:

(1) Appropriations from the CRF are subject to changes in source of funds that may occur as the result of subsequent legislation or through administrative actions, where permissible by law.

(2) Specific CRF uses may need to change based on changes to federal laws or on revised or updated federal guidance.

(3) It is the responsibility of all entities receiving CRF monies to ensure compliance with all federal guidelines as to CRF spending and use.

(4) Unless otherwise authorized by the Commissioner of Finance and Management, any monies appropriated from the CRF shall revert to the CRF to the extent that they have not been expended by December 20, 2020 to enable reallocation.

Sec. 4. CORONAVIRUS RELIEF FUND GRANTS; CONDITIONS

(a) Any person receiving a grant comprising monies from the Coronavirus Relief Fund shall use the monies only for purposes that comply with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance.

(b) Any person who expends monies from the Coronavirus Relief Fund for purposes not eligible under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance shall be liable for repayment of the funds to the State of Vermont; provided, however, that a person shall not be liable for such repayment if the person expended the monies in good faith reliance on authorization of the proposed expenditure by or specific guidance from the agency or department administering the grant program.

(c) The Attorney General or a State agency or department administering a grant program established or authorized under this act may seek appropriate criminal or civil penalties as authorized by law for a violation of the terms or conditions of the applicable program, grant, or award.

Sec. 5. CORONAVIRUS RELIEF FUND; RECORD KEEPING; COMPLIANCE; REPORTS

(a) In order to ensure compliance with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136, and related guidance, and to assist the State in demonstrating such compliance:

(1) any agency or department, and any subrecipient of a grant, that is authorized to disburse grant funds appropriated by this act shall include standard audit provisions, as required by Agency of Administration Bulletins 3.5 and 5, in all contracts, loans, and grant agreements; and

(2) each grant recipient shall report on its use of the monies received pursuant to this act to the agency or department administering the grant as required by that agency or department and shall maintain records of its expenditures of the monies for three years, or for a longer period if so required by State or federal law, to enable verification as needed.

(b) On or before August 15, 2020 and October 1, 2020, each agency or department administering a grant program pursuant to this act shall provide information to the legislative committees of jurisdiction, including the House and Senate Committees on Appropriations, regarding its distribution of grant funds to date, the amount of grant funds that remains available for distribution, and its plans for awarding the available funds by December 20, 2020.

* * * Financial Assistance * * *

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, as follows:

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

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

(2) \$2,000,000.00 to the Agency of Commerce and Community Development to grant to the Working Lands Enterprise Fund for grants to businesses within the agricultural, food and forest, and wood products industries:

(A) for economic loss; or

(B) to assist a business in adapting its products to changes in available markets or supply chains that are caused by the COVID-19 public health emergency and economic crisis, provided that such assistance is clearly necessary to ensure the continued viability of the business due to COVID-19.

(3)(A) \$5,000,000.00 to the Agency of Commerce and Community Development to grant to the Vermont Community Loan Fund, working in collaboration with the Vermont Commission on Women and other appropriate partners, for grants to businesses that have from zero to five employees and are at least 51 percent woman-owned or at least 51-percent minority-owned;

(B) The Fund shall reserve an allocation of \$2,500,000 for awards to businesses in each of the two groups until September 1, 2020, after which the Fund may re-allocate the funds if applications from either group are less than half.

(4) \$1,500,000.00 to the Agency of Natural Resources for grants to outdoor recreation businesses for costs or expenses necessary to comply with or implement COVID-19 public health precautions, including:

(A) cleaning, disinfection, and personal protection services and equipment;

(B) symptom monitoring or diagnosis for customers or participants;

(C) signage or informational material concerning public health precautions;

(D) temporary staff housing necessary to maintain public health precautions; and

(E) maintenance or repair of trails where damage is caused by increased usage during the declared COVID-19 public health emergency.

(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.

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

(1) \$2,500,000.00 to the Department of Tourism and Marketing to create a Restart Vermont marketing program to encourage visitation and consumer spending in Vermont to support businesses that have suffered economic harm due to the COVID-19 public health emergency. Eligible uses include:

(A) marketing activities to promote travel to and within Vermont to increase consumer spending at tourism, hospitality, retail, and related businesses; and

(B) statewide or regional consumer stimulus programs or consumer purchasing incentives that maximize the effect of local consumer spending, including at restaurants, lodging establishments, retail stores, and tourism attractions.

(2) \$2,500,000.00 to the Agency of Commerce and Community Development to create a Restart Vermont business assistance program, through which the Agency shall make available to businesses professional and technical assistance through qualified Recovery Navigators, including:

(A) business operations, financial management, and grant writing;

(B) digital strategies;

(C) architecture and physical space design;

(D) reconfiguring manufacturing equipment and processes and incorporating safety measures;

(E) technology and software consulting; and

(F) legal and other professional services.

(3) \$5,000,000.00 to the Agency of Commerce and Community Development to grant to Southeastern Vermont Community Action to act as fiscal agent for a statewide program, Restaurants and Farmers Feeding the Hungry, the purpose of which is to provide assistance to Vermonters who are food insecure due to the COVID-19 public health emergency by engaging Vermont restaurants that have suffered economic harm due to the COVID-19 public health emergency to prepare meals using foodstuffs purchased from Vermont farms and food producers.

(A) SEVCA shall collaborate with State and nonprofit partners throughout Vermont, including the Agency of Commerce and Community Development; the Agency of Agriculture, Food and Markets; the Agency of Human Services; the Department of Public Safety; the Community Action Agencies; the Vermont Food Bank; Hunger Free Vermont; the Vermont Hunger Council; the Sustainable Jobs Fund/Farm to Plate; the Vermont Community Foundation; the Downtown Brattleboro Alliance; Shiftmeals; Mama Sezz; the Vermont Hospitality Coalition; and others.

(B) Under the Program, SEVCA and partners shall:

(i) establish multiple community-scale hubs across Vermont to coordinate restaurant engagement and distribution of not fewer than 15,000 meals per week;

(ii) engage a broad range of restaurants of various sizes to produce meals;

(iii) on average, purchase not less than 10 percent of ingredients from local farms and producers; and

(iv) augment the existing food distribution network to meet the increased food insecurity of residents.

(c) Eligibility. To be eligible for a grant under subsection (a) or (b) of this section, a business must meet the 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.

(d) Administration of funds. A recipient or subrecipient authorized to administer funds appropriated in this section to provide grants or assistance to eligible businesses:

(1) shall coordinate directly with, and is subject to the guidelines and procedures adopted by, the Agency of Commerce and Community Development to ensure consistency and to avoid duplication of efforts and awards among Coronavirus Relief Fund-related programs;

(2) may use funds for administrative expenses, provided that the expenses represent an increase over previously budgeted amounts and are limited to what is necessary; and

(3) shall transfer funds that are both unencumbered and unspent as of September 15, 2020 to the Agency of Commerce and Community Development, which the Agency shall use to make additional emergency economic recovery grants pursuant to 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.

(2) The Agency of Commerce and Community Development, the Department of Taxes, and entities that administer funds appropriated pursuant to this section shall provide businesses with guidance and support to help identify the appropriate programs for which the business may be eligible for a grant and other assistance.

(f) Public records; confidentiality.

(1) The name of a business that receives an award under this section and the amount of the award are public records subject to inspection and copying

under the Public Records Act.

(2) Any application documents of a business containing federal identification numbers and sales amounts are subject to the confidentiality provisions of 32 V.S.A. § 3102 and are return information under that section.

(3) Data submitted by a business under this section to demonstrate costs or expenses shall be a trade secret exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), provided that submitted information may be used and disclosed in summary or aggregated form that does not directly or indirectly identify a business.

(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.

* * * Local Government Expense Reimbursement * * *

Sec. 7. COVID-19 EXPENSE REIMBURSEMENT; LOCAL GOVERNMENT

(a) The amount of \$13,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Administration for the purpose of issuing grants to units of local government to reimburse eligible COVID-19 expenses incurred on or before December 30, 2020, including hazard pay, supplies and equipment, sanitation, facility alterations, overtime compensation, redirection of staff for first-response needs, and any other eligible COVID-19 expenses not covered by other funding sources, including funding provided by the Federal Emergency Management Agency.

(b) The Secretary of Administration or designee shall develop grant guidelines for determining eligibility of COVID-19 expenses and requirements for reimbursement for units of local government. In determining the allocation of reimbursements under this section, the Secretary may prioritize need, including the local unemployment rate and the percent of eligible COVID-19 expenses relative to the total budget.

(c) From the amount appropriated to the Agency of Administration under this section, the Secretary or designee shall allocate:

(1) \$12,650,000.00 in grants for reimbursement of eligible COVID-19 expenses to the following:

(A) Vermont counties in amounts that shall not exceed \$1.00 per person as determined from the 2019 town census data published by the U.S. Census Bureau; and

(B) Vermont cities, towns, unorganized towns or gores, and any of the unified towns and gores of Essex County, including those incurred by incorporated villages, fire districts, consolidated water districts created under 24 V.S.A. chapter 91, and consolidated sewer districts created under 24 V.S.A. chapter 105 therein. Grants allocated under this subdivision (c)(1)(B) shall not exceed \$25.00 per person as determined from the 2019 town census data published by the U.S. Census Bureau, provided that any recipient under this subdivision with expenses that exceed \$25.00 per person and \$25,000.00 in total shall receive a minimum payment of \$25,000.00.

(2) \$200,000.00 to solid waste management districts organized under 24 V.S.A. chapter 121 in grants for reimbursement of eligible COVID-19 expenses. The Secretary or designee may determine any limitations to the amount of the grants allocated under this subdivision.

(3) An amount not to exceed \$150,000.00 may be used to contract with one or more regional planning commissions for technical assistance to be provided to units of local government in identifying and documenting eligible COVID-19 expenses. Notwithstanding any other contrary provision of law, the contract may be a sole source contract.

(4) In the event that applications for reimbursements exceed the amounts allocated, grants may be prorated.

(d) On or before September 15, 2020, the Secretary of Administration shall report to the Joint Fiscal Committee on program development and eligible COVID-19 expenses reimbursed pursuant to this section. The Secretary shall provide recommendations for any legislative action, including reallocation of funds for reimbursement of eligible local government COVID-19 expenses.

Sec. 8. DIGITIZATION GRANT PROGRAM; DEFINITIONS

(1) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No.116-136, as amended, and any guidance and regulations issued under that act.

(2) "Municipality" means a city, town, or incorporated village.

(3) "Eligible use" means a use of grant funds permitted under the CARES Act to assist a municipality in digitizing land records for online public access during municipal office closures due to the COVID-19 public health emergency.

Sec. 9. CORONAVIRUS MUNICIPAL RECORDS DIGITIZATION

GRANTS; AGENCY OF ADMINISTRATION

(a) Authorization; appropriation. Of the funds available in the Coronavirus Relief Fund, the amount of \$2,000,000.00 is appropriated to the Agency of Administration to provide grants to eligible municipalities pursuant to this section.

(b) Requirements for grant applicants. A municipality may apply for a grant for an eligible use, provided that:

(1) The municipality was compelled to close its municipal offices or limit access to land records due to the COVID-19 public health emergency response.

(2) The municipality has established and maintained a Restoration and Preservation Reserve Fund pursuant to 32 V.S.A. § 1671.

(c) Grant amount; terms.

(1) The Agency shall establish a formula for determining the amount of grant awards, which shall include a maximum grant amount.

(2) The Agency shall consider whether and by how much grant awards should be adjusted based on:

(A) whether a municipality has received financial assistance from other sources;

(B) the funds available for digitization in a municipality's Restoration and Preservation Reserve Fund;

(C) the number of property transactions within a municipality based on property transfer tax data reported by the Department of Taxes; and

(D) whether a municipality closed or limited access to the municipal clerk's offices during the COVID-19 public health emergency.

Sec. 10. DIGITIZATION GRANT PROGRAM; GUIDELINES;
REPORTING

(a) Guidelines. Not later than 10 days after the effective date of this act, the Agency of Administration shall publish guidelines governing the implementation of the grant program, which at minimum shall establish:

(1) application and award procedures;

(2) standards for eligible uses of grant funds;

(3) standards governing the amount of grant awards to ensure:

(A) the equitable distribution of funds among regions of the State;

and

(B) that grants are based on need and will have a meaningful impact on the ability of the public to access digitized land records online;

(4) procedures to ensure that grant awards comply with the requirements of the CARES Act and that the State maintains adequate records to demonstrate compliance with the Act; and

(5) procedures to prevent, detect, and mitigate fraud, waste, error, and abuse.

(b) Consultation. Before publishing guidelines pursuant to subsection (a) of this section, the Agency shall consult with representatives of the Vermont League of Cities and Towns, the Vermont Municipal Clerks and Treasurers Association, and the Vermont Bar Association.

(c) Reporting. The Agency shall:

(1) provide monthly updates and information concerning grant guidelines, awards, and implementation to the committees of jurisdiction of the General Assembly; and

(2) submit a report to the General Assembly on or before August 15, 2020 detailing the implementation of this section, including specific information concerning the amount and identity of grant recipients, the amount of grant funds expended for eligible uses, and the progress made to expend the grant program funds by December 20, 2020, which shall be publicly available.

* * * Housing Assistance * * *

Sec. 11. COVID-19 RESPONSE; HOUSING

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

(1) Legal and counseling services.

(A) \$550,000.00 to the Agency of Human Services for a grant to Vermont Legal Aid to provide legal and counseling services to persons who are, or are at risk of, experiencing homelessness, or who have suffered economic harm due to the COVID-19 crisis.

(B) \$250,000.00 to the Department of Housing and Community Development for grants to organizations that provide counseling and assistance to landlords concerning tenancy, rental assistance, and related issues arising due to the COVID-19 crisis.

(2) Housing and facilities. \$9,000,000.00 to the Vermont Housing and

Conservation Board, which the Board shall use, in part through grants to nonprofit housing partners and service organizations, for housing and facilities necessary to provide safe shelter and assistance for persons who are, or are at risk of, experiencing homelessness, or who have suffered economic harm due to the COVID-19 crisis, in order to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.

(3) Foreclosure protection. \$5,000,000.00 to the Department of Housing and Community Development for a grant to the Vermont Housing Finance Agency to provide financial and technical assistance to stabilize low- and moderate-income homeowners and prevent home foreclosures for Vermont families.

(A)(i) The Agency shall develop a standard application form for homeowners that describes the application process and includes clear instructions and examples to help homeowners apply.

(ii) The Agency shall implement a selection process that ensures equitable approval of applications and a distribution system that ensures accountability for homeowners receiving the funds.

(B) The Agency shall develop eligibility requirements to ensure the funds are applied towards homeowners equitably, including:

(i) limitations for eligibility regarding the earned income of the homeowners in comparison to the area median income;

(ii) forms and guidelines for homeowners to certify or otherwise prove a demonstrable need for assistance;

(iii) limitations on actual cash benefits, which shall not exceed the actual mortgage liability or six times the monthly mortgage liability, whichever is less; and

(iv) a reapplication process that provides that if program funds remain at the end of the six-month period, the homeowner may apply for additional assistance.

(4) Rental assistance; eviction protection. \$25,000,000.00 to the Department of Housing and Community Development for a grant to the Vermont State Housing Authority, which shall administer the distribution of funds to landlords on behalf of tenants in need of rental arrearage assistance.

(A) In developing the program, the Authority shall coordinate with the Agency of Human Services and statewide and regional housing and homelessness authorities to provide additional support services and better promote upstream homelessness prevention and housing stability.

(B) The Authority shall develop a standard application form for landlords and tenants, including mobile home lot tenants and homeless households, that describes the application process and includes clear instructions and examples to help tenants or landlords apply.

(C)(i) The Authority shall implement a selection process that ensures equitable approval of applications, notice of grant decisions within 10 days, and decisions on appeals within in 10 days, and a distribution system that ensures accountability for the tenants and landlords that receive funds.

(ii) The Authority shall ensure decisions are made according to the rules of the program and without regard to any previous information or decisions known concerning tenants, and no tenant or landlord may benefit or suffer harm due to previous knowledge or decisions.

(D)(i) Eligibility. The Authority shall develop eligibility requirements to ensure that funds are applied equitably towards tenants, currently homeless households, and landlords and to those in the most need, including:

(I) certification of rent arrears;

(II) waiver of termination of tenancy or eviction for a period of time;

(III) waiver of late fees and rent in excess of Authority payment standards;

(IV) compliance with Rental Housing Health Code within 30 days; and

(V) agreement not to increase rent for a period of time.

(ii) Other requirements.

(I) The Authority shall ensure that assistance is provided directly to the landlords on the tenants' behalf.

(II) The Authority shall ensure a streamlined application process limited to a tenant certification of household members and a landlord certification of past due rent to show that tenants have missed rental payments and are at risk of eviction, or otherwise show proof of a demonstrable need for rental assistance.

(III) The Authority shall require that landlords delay or cease eviction proceedings, or both, for a period of time as a condition of receiving assistance, provided that an exception may be made if a landlord applies and the tenant has not paid rent nor certified need, in which case the landlord may receive partial payment of arrears and retain right to evict.

(IV) The Authority shall adopt limitations on assistance granted that shall not exceed the actual liability or those number of months due calculated at Vermont State Housing Payment level, whichever is less. This restriction shall include a reapplication process that provides that if there are remaining program funds if the tenant is in arrears at a later date, the tenant may reapply for assistance.

(V) For tenants in unsustainable tenancies and households that received emergency housing benefits from Department for Children and Families' General Assistance Program since March 1, 2020, funds may be used for first and last months' rent and security deposit, and, where necessary, rent payments through December 30, 2020. To obtain these benefits, a landlord must certify that the individual or family will be accepted as a tenant; that the landlord will not evict the tenant for nonpayment of rent before January 1, 2021; and, if the tenant leaves the unit prior to January 1, 2021, the landlord will refund to the Authority the rental amount previously received for any rental period after which the tenant left and for the security deposit if reimbursement is appropriate.

(E) Not later than August 10, 2020 and thereafter upon request from a legislative committee, the Authority shall issue a report to the General Assembly detailing the number and amount of grants awarded in each category by county.

(5) Rehousing investments.

(A) Creation of Program. The amount of \$6,200,000.00 is appropriated to the Department of Housing and Community Development to design and implement a Re-housing Recovery Program to provide funding to statewide and regional housing partner organizations for grants to eligible applicants.

(B) Administration. The Department shall require any statewide or regional housing partner organization that receives funding under the Program to develop:

(i) a standard application form that describes the application process and includes clear instructions and examples to help property owners apply;

(ii) a selection process that ensures equitable selection of property owners; and

(iii) a grants management system that ensures accountability for funds awarded to property owners.

(C) Grant requirements.

(i) The Department shall ensure each grant complies with the following requirements:

(I) A property owner may apply for a grant of up to \$30,000.00 per unit.

(II) To be eligible, a unit must be blighted, vacant, or otherwise not comply with applicable rental housing health and safety laws.

(ii) A property owner shall:

(I) match at least 10 percent of the value of the grant; and

(II) comply with applicable permit requirements and rental housing health and safety laws.

(iii) The Department shall use one or more legally binding mechanisms to ensure that:

(I) renovated units are made available to persons who require economic assistance due to the COVID-19 crisis;

(II) the rent charged remains at or below annually published HUD Fair Market Rent for the County or Metropolitan Statistical Area for at least five years; and

(III) if a property owner sells or transfers a property improved with grant funds within five years of receiving the funds, the property continues to remain affordable for the remainder of the five-year period.

(D) The Department shall develop requirements regarding the following:

(i) encouraging and incentivizing statewide and regional housing partner organizations and property owners to work with local continua of care organizations; and

(ii) limitations on the number of units for which an individual owner may receive grant funds.

(E) Definitions. As used in this section:

(i) "Blighted" means that a rental unit is not fit for human habitation and does not comply with the requirements of applicable building, housing, and health regulations.

(ii) "Vacant" means that a rental unit has not been leased or occupied for at least 90 days prior to the date on which a property owner submits an application and the unit remains unoccupied at the time of the award.

(b) On or after September 15, 2020, the Department of Housing and Community Development, in consultation with the funding recipients named in this section, shall assess the allocation and expenditure of funds made in this section and may re-allocate funds as the Department determines is necessary to most effectively provide necessary housing-related assistance to Vermonters affected by the COVID-19 crisis.

Sec. 12. DEPARTMENT FOR CHILDREN AND FAMILIES; HOUSING
FOR HOUSEHOLDS EXPERIENCING HOMELESSNESS

(a) The sum of \$16,000,000.00 is appropriated from the Coronavirus Relief Fund to the Department for Children and Families in fiscal year 2021 to fund programs and services that support safe, stable housing opportunities for Vermont households experiencing homelessness as a result of the COVID-19 public health emergency and related administrative costs. The programs and services funded by this appropriation may include:

(1) expanding the Vermont Rental Subsidy program to provide homeless households with temporary rental assistance through December 30, 2020 as a bridge to public housing vouchers;

(2) providing or arranging for housing navigation and case management services, such as identifying housing barriers, needs, and preferences; developing and implementing plans to find and secure housing; conducting outreach to potential landlords; assisting with relocation logistics; developing permanent housing support crisis plans; and identifying other services necessary for households to maintain permanent housing;

(3) providing financial assistance to Vermont households who are living in motels to help them rapidly resolve their homelessness and enter into safe housing arrangements;

(4) supplementing the General Assistance motel voucher program to address the immediate housing needs of households who are currently living in motels or hotels around the State and whose motel or hotel lodging is related to a disruption to their previous housing situation as a result of the COVID-19 public health emergency; and

(5) capitalizing a housing risk pool for landlords to encourage rentals to individuals experiencing homelessness or housing insecurity, which would help landlords lessen their risk of exposure to financial loss through December 20, 2020, while renting to households that have poor or no rental housing history as result of financial hardship due to the COVID-19 public health emergency.

(b) The provision of housing programs and services is not compensable under this section to the extent that the same costs or expenses have been or

will be covered by other federal funds.

* * * Broadband Connectivity Grants and Planning * * *

Sec. 13. COVID-RESPONSE ACCELERATED BRODBAND
CONNECTIVITY PROGRAM

(a) The sum of \$17,433,500.00 is appropriated to the COVID-Response Accelerated Broadband Connectivity Program, a newly established program administered by the Commissioner of Public Service, consistent with the requirements of this section. The purpose of the Program is to rapidly and significantly increase broadband connectivity consistent with the federal parameters applicable to expenditures under the Coronavirus Relief Fund in a manner that best serves the State's goal of achieving universal 100 Mbps symmetrical service by 2024 as specified in 30 V.S.A. § 202c. To achieve this purpose, the Commissioner is given broad discretion to allocate funding, as he or she deems appropriate, subject to legislative oversight as required under subsection (m) of this section, to support the following programs and initiatives:

(1) Up to \$2,000,000.00 for the COVID-Response Line Extension Customer Assistance Program established in subsection (b) of this section.

(2) The Get Vermonters Connected Now Initiative established in subsection (c) of this section.

(3) The COVID-Response Temporary Broadband Lifeline Program established in subsection (d) of this section.

(4) The Connectivity Initiative established under 30 V.S.A. § 7515b for projects that can be completed consistent with the parameters of Coronavirus Relief Fund eligible expenditures, including fixed wireless projects.

(5) Wi-Fi deployment as specified in subsection (g) of this section.

(b) There is established the COVID-Response Line Extension Customer Assistance Program, the purpose of which is to provide financial assistance for the customer costs associated with line extensions to unserved locations. The Commissioner shall develop guidelines and procedures to implement this Program and may incorporate relevant provisions of PUC Cable Rule 8.313, including the formula for assessing contributions in aid of construction. Conditions of the Program shall include the following:

(1) An unserved location means an area without access to 25/3 Mbps.

(2) Per customer financial assistance may not exceed \$3,000.00.

(3) Locations eligible for financial assistance shall provide to the Department data related to connectivity needs as they pertain to remote

learning, telehealth, and telework needs.

(4) A health care provider may apply for assistance on behalf of a patient residing in Vermont for a line extension so that the patient can receive telehealth or telemedicine services from the health care provider. Any K–12 educational institution, including a public or private school or school district, may apply for a line extension on behalf of a student, provided the student’s service location is in Vermont and the student needs the broadband service to receive remote instruction from the educational institution.

(5) Funds under this Program shall be available for the most cost-effective and site- appropriate line extension. Funds shall be disbursed on a rolling basis until funds in the Program are expended or December 20, 2020, whichever occurs first.

(c) There is established the Get Vermonters Connected Now Initiative. Notwithstanding any provision of law to the contrary, funds shall be distributed through the Connectivity Initiative established under 30 V.S.A. § 7515b, and are available for projects in areas otherwise considered served under the Connectivity Initiative. The purpose of the Program is to provide financial assistance to Internet service providers to offset the customer costs of fiber-to-the-premises installations, which include underground conduit installations, where required, and service drops. The Commissioner shall prioritize projects involving installation of underground conduit, where required, that would result in broadband access to low-income households with remote learning, telehealth, and telework needs.

(d) To the extent it is administratively feasible within the time constraints of section 601(d) of the Social Security Act, the Department may establish a COVID-Response Temporary Broadband Lifeline Program to provide subsidies for customer broadband monthly subscriptions to increase broadband adoption rates in response to the COVID-19 public health emergency.

(e) Up to \$50,000.00 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.

(f) The Commissioner shall establish guidelines and procedures consistent with Section 601(d) of the Social Security Act and shall incorporate provisions for ensuring, to the greatest extent possible and based on the best available data, that the Program will significantly increase broadband capacity for distance learning, telehealth, and telework during the public health emergency. To that end, projects funded under this Program shall reflect the Department’s ongoing efforts with both the Agency of Education and the Vermont Program

for Quality in Health Care, Inc. to identify addresses and clusters of students or vulnerable or high-risk Vermonters, or both, who do not have access to broadband connectivity. In addition, the guidelines shall attempt to direct funds under the Program to projects designed to serve economically-challenged households or communities.

(g) Any new services funded in whole or in part by monies from this Program shall be capable of speeds of at least 25 Mbps download and 3 Mbps upload; however, when the technology is feasible, priority shall be given to services that are capable of 100 Mbps symmetrical service.

(h) The location and capacity of infrastructure funded through this Program shall be part of a permanent, public database maintained by the Department.

(i) If a proposed project under the Program is in the service territory of a communications union district, immediately upon receipt of the application for the proposed project, the Commissioner shall notify the affected communications union district of the proposed project and provide seven business days for the district to raise an objection to the proposed project. The Commissioner may award funding to the proposed project over the objection of a communications union district, provided he or she documents in writing the reasons for overriding the objection.

(j) The Commissioner may disburse an award for advance payment of capital costs provided the Commissioner determines such funding is necessary for project commencement. The Commissioner may retain an award of financial assistance, or a portion thereof, under this section until he or she determines that eligible expenses have been incurred and properly documented by the intended recipient in a form and manner prescribed by the Commissioner.

(k) Funds under the Program shall not be used to support a provider's costs associated with line extensions otherwise required to be constructed pursuant to a certificate of public good granted under 30 V.S.A. chapter 13.

(l) The Commissioner shall consider and coordinate with existing stakeholders and initiatives, including VELCO and FirstNet, to leverage private and public assets to the greatest extent possible in furtherance of the objectives of this Program.

(m) On or before July 31, 2020 and every month thereafter until December 1, 2020, the Commissioner shall provide to the Joint Information Technology Oversight Committee, the Senate Committee on Finance, and the House Committee on Energy and Technology a status report on the Program that identifies funding distributions to date, the amount of funds that remain

available for distribution, and plans for awarding available funds on or before December 20, 2020.

(n) Any unexpended funds under the Program as of December 20, 2020 shall be returned to the State Coronavirus Relief Fund.

(o) Personal information submitted under the Program is confidential and exempt from disclosure under the Public Records Act. Such information may only be disclosed publicly in an anonymized and aggregated format.

(p) The Program shall sunset on January 1, 2021. The Department shall be the successor in interest to any remaining rights, liabilities, and obligations.

(q) The Commissioner shall notify the Telecommunications and Connectivity Advisory Board of pending grant awards.

Sec. 14. COVID-RESPONSE CONNECTED COMMUNITY RESILIENCE PROGRAM

(a) The sum of \$800,000.00 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.

(b) The Commissioner shall develop policies and practices for Program implementation consistent with the purposes of this section and also with Section 601(d) of the Social Security Act, including standards for expense verification and records retention.

Sec. 15. COVID-RESPONSE TELECOMMUNICATIONS RECOVERY PLAN

The sum of \$500,000.00 is appropriated to the Commissioner of Public Service to retain a consultant to assist with preparation of a COVID-Response Telecommunications Recovery Plan. The purpose of the Recovery Plan is to reassess the State's critical connectivity needs in light of the COVID-19 public

health emergency and to reevaluate broadband deployment objectives going forward. On or before December 20, 2020, the Recovery Plan shall be submitted to the House Committee on Energy and Technology and the Senate Committee on Finance.

Sec. 16. 2019 Acts and Resolves No. 79, Sec. 23, subsection (a) is amended to read:

(a) It is the intent of the General Assembly that, regardless of when the 2017 Telecommunications Plan is adopted, a new Plan shall be adopted on or before ~~December 1, 2020~~ June 30, 2021 in accordance with the procedures established in 30 V.S.A. § 202d(e). The next Plan after that shall be adopted on or before ~~December 1, 2023, and so on~~ June 30, 2024 and every three years thereafter.

Sec. 17. COVID-RESPONSE TELEHEALTH CONNECTIVITY PROGRAM

(a) The sum of \$800,000.00 is appropriated to the Department of Health for the COVID-Response Telehealth Connectivity Program to be administered by the Vermont Program for Quality in Health Care, Inc. (VPQHC) consistent with its mission under 18 V.S.A. § 9416 and with its Connectivity Care Packages pilot proposal. The purpose of the Program is to support equitable access to telehealth services by providing outreach and educational opportunities that improve digital literacy skills of patients and providers and also by providing the equipment needed to support telehealth needs during the COVID-19 public health emergency, particularly in areas that are digitally and medically underserved and distributed geographically across the State. Conditions of the Program shall include:

(1) To the extent feasible under the timing and funding constraints of this Program, VPQHC shall make every effort to identify and prioritize assistance to vulnerable and high-risk patients in all regions of the State.

(2) VPQHC shall ensure that all expenditures made pursuant to this Program are properly documented and retained, consistent with the requirements of Section 601(d) of the Social Security Act.

(b) Funds shall be disbursed on a rolling basis until all funds are fully expended or on December 20, 2020, whichever occurs first. Any unexpended funds shall be transferred to the State on or before December 20, 2020. This Program shall sunset on December 31, 2020.

(c) On or before January 15, 2021, VPQHC shall report to the House Committees on Health Care and on Energy and Technology and the Senate Committees on Health and Welfare and on Finance an evaluation of the Program's effectiveness to date.

* * * PEG Access Funding and Study * * *

Sec. 18. PEG ACCESS FUNDING

The sum of \$466,500.00 is appropriated to the Department of Public Service to be disbursed by the Commissioner, in consultation with the Vermont Access Network, among the State's access media organizations for staffing and operational costs incurred due to unbudgeted and unplanned coverage of public meetings and events in response to the COVID-19 public health emergency, as well as for unplanned and unbudgeted expenditures related to increased production and technical support for live-streaming government and community-based organizations.

Sec. 19. STUDY; PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS TELEVISION

(a) The Agency of Commerce and Community Development shall retain a consultant to review the current business model for Vermont Public, Educational, and Governmental Access (PEG) television channels and provide recommendations concerning how to ensure the future financial stability and viability of PEG channels.

(b) The consultant shall prepare a written report that:

(1) provides a range of estimates of the projected decline in revenues from cable franchise fees;

(2) reviews the budgets of entities that provide PEG services, including salaries, operations, and equipment, and other substantial categories of outlays and expenditures;

(3) sets forth and analyzes alternative sources of revenue, including fees levied against voice and broadband providers;

(4) sets forth and analyzes ways to contain costs without losing effectiveness, including encouraging or requiring entities that provide PEG services to consolidate administrative functions or share resources and exploring partnership opportunities with other public entities, such as schools;

(5) reviews PEG television channel business models from other states; and

(6) provides recommendations concerning how to ensure the future financial stability and viability of Vermont PEG television channels.

(c) On or before January 15, 2021, the consultant shall submit the written report prepared pursuant to subsection (b) of this section to the House Committees on Appropriations and on Energy and Technology and to the Senate Committees on Appropriations and on Finance.

(d) The Agency is directed to identify available funding sources to support the study required by this section, including Coronavirus Relief Fund monies for distance learning, public health and safety communications, and online State and local governmental activities during the COVID-19 public health emergency.

* * * Utility Ratepayer Arrearages * * *

Sec. 20. DEPARTMENT OF PUBLIC SERVICE; UTILITY RATEPAYER
ARREARAGES

The sum of \$5,000,000.00 is appropriated to the Department of Public Service for the purpose of simultaneously minimizing financial hardship caused by the COVID-19 public health emergency and also mitigating utility rate increases ultimately shared by all ratepayers, the Commissioner of Public Service shall develop policies and practices for providing financial support to utility ratepayers to cover account arrearages of ratepayers likely to face disconnection when the moratorium ends. As used in this section, a “utility” means a utility affected by the Public Utility Commission’s moratorium on utility disconnections issued on March 18, 2020, as further amended and revised by the Commission. Funds shall be disbursed on a rolling basis until all funds are fully expended or December 20, 2020, whichever occurs first. The Commissioner may contract with an independent third party to assist with program administration. Customer information submitted pursuant to this program shall be exempt from disclosure under the Vermont Public Records Act; such data may only be disclosed on an anonymized and aggregated basis.

* * * Information Technology * * *

Sec. 21. AGENCY OF DIGITAL SERVICES; CYBERSECURITY

The sum of \$2,000,000.00 is appropriated to the Agency of Digital Services to fund efforts to mitigate cybersecurity risks posed by State employees working from home as a result of the COVID-19 pandemic.

Sec. 22. EFFECTIVE DATE

This act shall take effect on passage.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered on a roll call, Yeas 28, Nays 0.

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

Roll Call

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

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Baruth, Rodgers.

Recess

On motion of Senator Ashe the Senate recessed until 4:30 P.M.

Called to Order

The Senate was called to order by the President *pro tempore*.

Message from the House No. 61

A message was received from the House of Representatives by Ms. Alona Tate, 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. 351. An act relating to providing financial relief assistance to the agricultural community due to the COVID-19 public health emergency.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

Rules Suspended; House Proposal of Amendment Concurred In**S. 351.**

Pending entry on the Calendar for notice, on motion of Senator Ashe, the rules were suspended and House proposal of amendment to Senate bill entitled:

An act relating to providing financial relief assistance to the agricultural community due to the COVID-19 public health emergency.

Was taken up for immediate consideration.

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

* * * Purpose * * *

Sec. 1. PURPOSE

The purpose of this act is to appropriate the following amounts to farming and forest businesses for losses, or expenses, or both, incurred as a result of the COVID-19 public health emergency:

(1) \$25,000,000.00 for the Dairy Assistance Program established under this act, provided that from the appropriated funds, \$21,200,000.00 shall be available for grant awards to milk producers, and \$3,800,000 shall be available for awards to dairy processors;

(2) \$5,000,000.00 for the Non-dairy Agricultural Producer and Processor Assistance Program established under this act;

(3) \$5,000,000.00 for the Forest Economy Stabilization Grant Program established under this act; and

(4) \$192,000.00 to the Vermont Housing and Conservation Board to provide business, financial, and mental health assistance to farm and food businesses.

* * * Coronavirus Relief Fund; Administrative Provisions * * *

Sec. 2. CONSISTENCY WITH CARES ACT AND GUIDANCE

The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this act complies with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance because the economic harm to be covered:

(1) is necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);

(2) was not accounted for in Vermont's fiscal year 2020 budget; and

(3) was, or will be, incurred during the period beginning on March 1, 2020 and ending on December 30, 2020.

Sec. 3. GRANT RECIPIENT REQUIREMENTS; REVERSION AND REALLOCATION SCHEDULE

All appropriations made from the State's Coronavirus Relief Fund (CRF) in this and other bills passed after March 1, 2020 as part of the 2020 legislative session are made with the knowledge that the statutory and regulatory context is constantly changing. Additional federal legislation may further change the potential for and appropriateness of CRF usage. As a result:

(1) Appropriations from the CRF are subject to changes in source of

funds that may occur as the result of subsequent legislation or through administrative actions, where permissible by law.

(2) Specific CRF uses may need to change based on changes to federal laws or on revised or updated federal guidance.

(3) It is the responsibility of all entities receiving CRF monies to ensure compliance with all federal guidelines as to CRF spending and use.

(4) Unless otherwise authorized by the Commissioner of Finance and Management, any monies appropriated from the CRF shall revert to the CRF to the extent that they have not been expended on or before December 20, 2020 to enable reallocation.

Sec. 4. CORONAVIRUS RELIEF FUND GRANTS; CONDITIONS

(a) Any person receiving a grant comprising monies from the Coronavirus Relief Fund shall use the monies only for purposes that comply with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance.

(b) Any person who expends monies from the Coronavirus Relief Fund for purposes not eligible under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance shall be liable for repayment of the funds to the State of Vermont; provided, however, that a person shall not be liable for such repayment if the person expended the monies in good faith reliance on authorization of the proposed expenditure or specific guidance from the agency or department administering the grant program.

(c) The Attorney General or a State agency or department administering a grant program established or authorized under this act may seek appropriate criminal or civil penalties as authorized by law for a violation of the terms or conditions of the applicable program, grant, or award.

Sec. 5. CORONAVIRUS RELIEF FUND; RECORD KEEPING; COMPLIANCE; REPORTS

(a) In order to ensure compliance with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance, and to assist the State in demonstrating such compliance:

(1) any agency or department, and any subrecipient of a grant, that is authorized to disburse grant funds appropriated by this act shall include standard audit provisions, as required by Agency of Administration Bulletins 3.5 and 5, in all contracts, loans, and grant agreements; and

(2) each grant recipient shall report on its use of the monies received pursuant to this act to the agency or department administering the grant as

required by that agency or department and shall maintain records of its expenditures of the monies for three years, or for a longer period if so required by State or federal law, to enable verification as needed.

(b) Unless otherwise provided under this act, on or before July 31, 2020 and September 1, 2020, each agency or department administering a grant program pursuant to this act shall provide information to the legislative committees of jurisdiction, including the House and Senate Committees on Appropriations, regarding its distribution of grant funds to date, the amount of grant funds that remains available for distribution, and its plans for awarding the available funds on or before December 20, 2020.

* * * Dairy Assistance Program * * *

Sec. 6. DAIRY ASSISTANCE PROGRAM; COVID-19 PUBLIC HEALTH EMERGENCY; APPROPRIATION

(a) Appropriation. The sum of \$25,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Agriculture, Food and Markets in fiscal year 2021 for the purpose of establishing the Dairy Assistance Program as set forth in this section. Of the funds appropriated under this section, \$21,200,000.00 shall be available for grant awards to milk producers, and \$3,800,000 shall be available for awards to dairy processors.

(b) Necessity. The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this section is necessary to stabilize milk producers and dairy processors based on their lost revenues related to business interruption caused by the COVID-19 public health emergency.

(c) Definitions. As used in this section:

(1) "Animal feeding operation" (AFO) means a lot or facility where livestock have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, or forage growth are not sustained in the normal growing season over any portion of the lot or facility. Two or more individual farms qualifying as an AFO that are under common ownership and that adjoin each other or use a common area or system for the disposal of waste shall be considered to be a single AFO if the combined number of livestock resulting qualifies as a medium farm as that term is defined under this subsection.

(2) "Certified small farm" means a small farm with at least 50 mature dairy cows required to certify compliance with the Required Agricultural Practices under 6 V.S.A. § 4871 and so certified as of March 1, 2020.

(3) "Dairy processor" means a person, partnership, unincorporated

association, or corporation who owns or controls any place, premises, or establishment where butter, cheese, cream, buttermilk, infant formula, ice cream, yogurt, or other dairy products identified by rule by the Secretary are processed for sale.

(4) “Economic harm” means a milk producer’s or dairy processor’s expenses or lost revenues, or both related to the 2020 COVID-19 public health emergency.

(5) “Goat or sheep dairy farm” means any place or premises where one or more dairy goats or dairy sheep, or both, are kept and where a part or all of the milk from the animals is sold or offered for sale.

(6) “Good standing” means a participant in the Program administered under this section:

(A) that does not have an active enforcement violation that has reached a final order with the Agency of Agriculture, Food and Markets or the Agency of Natural Resources; and

(B) that is in compliance with all terms of a current grant agreement or contract with the Agency of Agriculture, Food and Markets or the Agency of Natural Resources.

(7) “Large farm” means an AFO that houses 700 or more mature dairy animals and where a part or all of the milk from the dairy animals is sold or offered for sale.

(8) “Medium farm” means an AFO that houses 200 to 699 mature dairy animals and where a part or all of the milk from the dairy animals is sold or offered for sale.

(9) “Milk producer” or “producer” means a person, partnership, unincorporated association, or corporation who owns or controls one or more dairy cows, dairy goats, or dairy sheep and sells or offers for sale a part or all of the milk produced by the animals.

(10) “Secretary” means the Secretary of Agriculture, Food and Markets or designee.

(11) “Small farm” means:

(A) an AFO that houses not more than 199 mature dairy cows; or

(B) a goat or sheep dairy farm where a part or all of the milk from the animals is sold or offered for sale.

(d) Program establishment; eligibility.

(1) There is established within the Agency of Agriculture, Food and

Markets a Dairy Assistance Program (Program) to provide financial assistance to milk producers and dairy processors that have suffered economic harm in Vermont caused by the COVID-19 public health emergency.

(2) A milk producer or dairy processor shall be eligible to qualify for assistance under this section if:

(A)(i) the milk producer or dairy processor is currently producing milk or dairy products; or

(ii) the milk producer was producing milk on March 1, 2020, and subsequently ceased production, but submits to the Secretary a good faith plan to restart production of milk or a plan to restart operation through production of another commodity;

(B) the milk producer or dairy processor is in good standing; and

(C) the milk producer or dairy processor accurately demonstrates to the Secretary economic harm that occurred or accrued on or after March 1, 2020 and before December 1, 2020 by providing evidence of lost revenues or expenses related to business interruption caused by the COVID-19 public health emergency.

(3) A milk producer may elect to have its economic harm determined by calculating the difference between what the producer was paid for milk produced between March 1, 2020 and December 1, 2020 and the price that the producer would have been paid if the price for milk remained at the statistical uniform price of \$18.13 hundredweight for the Middlebury location in January of 2020, or the milk producer may enter its own verifiable average price for March through December 2020 and calculate the difference to its own verifiable average price for January 2020 as well as added costs or expenses related to the COVID-19 public health emergency.

(4) Economic harm is not compensable under this section if the same economic harm is covered by insurance or if the economic harm was compensated under another State or federal grant; provided, however, that this restriction does not apply to loans or advance payments for which repayment is expected.

(e) Administration; implementation.

(1) The Program shall be administered by the Agency of Agriculture, Food and Markets, which shall award available funds to milk producers or dairy processors that demonstrate economic harm.

(2) The Secretary shall create an application form that milk producers and dairy processors shall utilize when applying for assistance. Applicants shall certify that all information they provide is truthful and accurate to the

best of their knowledge, information, and belief.

(3) The Secretary shall, based on the amount of economic harm incurred by the milk producer or dairy processor on the date the application is received, provide up to the maximum award permitted for each type of qualified farm or processor tier. Applications shall be processed in the order received, but an application shall not be ready for evaluation until the Secretary determines that the application is administratively complete and includes all required proof of economic harm.

(f) Payment; maximum award.

(1) Until all funds appropriated to the Program for milk producers are awarded, the Secretary shall award assistance as grants to reimburse qualified milk producers for demonstrated economic harm up to the following maximum amounts:

(A) Small farms shall receive up to \$18,300.00.

(B) Certified small farms shall receive up to \$34,300.00.

(C) Medium farms shall receive up to \$56,000.00.

(D) Large farms shall receive up to \$100,000.00.

(2) Until all funds appropriated to the Program for dairy processors are awarded, the Secretary shall award payments as grants to reimburse qualified dairy processors for demonstrated economic harm up to the following maximum amounts:

(A) Dairy processors that process less than 500 pounds of milk per day shall receive up to \$31,000.00.

(B) Dairy processors that process from 500 to 9,999 pounds of milk per day shall receive up to \$40,000.00.

(C) Dairy processors that process from 10,000 to 49,999 pounds of milk per day shall receive up to \$50,000.00.

(D) Dairy processors that process 50,000 pounds or more of milk per day shall receive up to \$60,000.00.

(3) To determine maximum grant eligibility, each milk producer shall be evaluated within the farm type known to the Secretary as of March 1, 2020, and each dairy processor shall be evaluated within the milk processing size known to the Secretary as of March 1, 2020.

(g) Application; processing.

(1) Once a milk producer or dairy processor submits a complete application and demonstrates economic harm, the Secretary shall promptly

issue a grant payment, provided that the appropriated funds have not been expended. Initial applications shall be submitted not later than October 1, 2020, and the last grant payment may be a partial payment consisting of the remaining available funds.

(2) Whenever a milk producer or dairy processor has not demonstrated economic harm equal to or greater than the maximum allowed disbursement for its category, the application shall remain pending for a potential future showing of additional economic harm. Qualified milk producers or dairy processors that incur additional economic harm after the date of their initial application may file with the Secretary an addendum to demonstrate subsequent economic harm. The Secretary shall create an addendum form that milk producers and dairy processors shall utilize when applying for additional relief. Milk producers and dairy processors shall certify that all information they provide is truthful and accurate to the best of their knowledge, information, and belief. Eligible milk producers or dairy processors may submit an addendum to their initial application on or before October 1, 2020 to show any additional economic harm eligible for compensatory payment. No milk producer or dairy processor shall receive total grant payments that exceed the maximum allowed grant payment.

(3) All submitted initial applications shall be processed before considering addenda demonstrating additional economic harm, and each addendum shall be processed in the order received. An addendum shall not be ready for evaluation until the Secretary receives all required proof of economic harm and deems the application administratively complete. Once an eligible milk producer or dairy processor submits a complete addendum and demonstrates additional economic harm, the Secretary shall promptly issue a payment, provided that the appropriated funds have not been expended. The last payment may be a partial payment consisting of the remaining available funds.

(4) Each grant award shall be a direct payment from the State of Vermont to a milk producer or dairy processor. Except as provided under this section, a dairy processor shall not submit more than one application, and a milk producer shall not submit more than one application per each separate farm owned or controlled by the producer. A person who is both a milk producer and a dairy processor may submit one application as a milk producer and one as a dairy processor when each business is organized as a separate business entity. A person that is both a milk producer and a dairy processor but is not organized as separate business entities shall submit one application for assistance under this section, but will be eligible for assistance as a milk producer and a dairy processor, provided that the total assistance awarded under this section shall not exceed the total economic harm incurred by the

applicant. The Secretary may ask an applicant that is both a milk producer and a dairy processor but is not organized as separate business entities to submit separate applications as a milk producer and a dairy processor if separate applications are more administratively efficient. A milk producer or dairy processor that does not initially qualify for the maximum allowed payment may submit an addendum to demonstrate additional economic harm not later than October 1, 2020.

(h) Program terms and limitations.

(1) The Secretary of Agriculture, Food and Markets shall issue grant payments under this section on a first-come, first-served basis until all funds are expended or December 20, 2020, whichever is sooner.

(2) The name of a milk producer or dairy processor that receives an award under this section and the amount of the award are public records subject to inspection and copying under the Public Records Act.

(3) Any application documents of a milk producer or dairy processor containing federal identification numbers and sales amounts are subject to the confidentiality provisions of 32 V.S.A. § 3102 and are return information under that section.

(4) Data or information submitted to the Secretary by a milk producer or dairy processor under this section to demonstrate economic harm shall be a trade secret exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), provided that the Secretary may use and disclose submitted information in summary or aggregated form that does not directly or indirectly identify an individual milk producer or dairy processor.

(5) Notwithstanding any law or State grant requirement to the contrary, a milk producer or dairy processor shall not be denied participation in the Program or have a payment withheld, set off, or reduced for failure to be in full compliance with any obligation to pay any or all taxes due to the State of Vermont.

* * * Non-dairy Agricultural Producer and Processor Assistance Program * * *

Sec. 7. NON-DAIRY AGRICULTURAL PRODUCER AND PROCESSOR
ASSISTANCE PROGRAM

(a) Appropriations. The sum of \$5,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Agriculture, Food and Markets in fiscal year 2021 for the purpose of establishing the Non-dairy Agricultural Producer and Processor Assistance Program as set forth in this section. The Agency of Agriculture, Food and Markets shall enter into a memorandum of understanding with the Vermont Economic Development Authority for the

implementation and administration of the Non-dairy Agricultural Producer and Processor Assistance Program.

(b) Necessity. The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this section is necessary to stabilize agricultural producers, commercial processors, commercial slaughterhouses, and farmers' markets based on their lost revenues and expenses related to business interruption caused by the COVID-19 public health emergency.

(c) Definitions. As used in this section:

(1) "Agricultural producer" means a farmer who is not eligible for assistance under the Dairy Assistance Program established under this act and who has produced a gross annual income of \$10,000.00 from the sale of agricultural products, livestock, livestock products, or poultry products in one of the two, or three of the five, calendar years preceding submission of an application under this section.

(2) "Agricultural product" means any raw agricultural commodity, as defined in 6 V.S.A. § 21(6), that is principally produced on a farm and includes products prepared from the raw agricultural commodities principally produced on the farm.

(3) "Commercial processor" means any person who maintains an establishment regulated under 6 V.S.A. chapter 204 for the purpose of processing livestock, meat, meat food product, poultry, or poultry product other than for the exclusive use in the household of the owner of the commodity, by him or her and members of his or her household and his or her nonpaying guests and employees.

(4) "Commercial slaughterhouse" means any person engaged in the business of slaughtering livestock or poultry other than as a custom slaughterer or a person conducting slaughter under 6 V.S.A. § 3312(b), (c), or (d).

(5) "Economic harm" means an eligible applicant's expenses or lost revenue, or both, related to the 2020 COVID-19 public health emergency.

(6) "Eligible applicant" means any agricultural producer, commercial processor, commercial slaughterhouse, or farmers' market that suffered qualifying economic harm under this section.

(7) "Farmer" means a person who is engaged in farming and subject to the Required Agricultural Practices Rule.

(8) "Farmers' market" means 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.

(9) “Farming” has the same meaning as in 10 V.S.A. § 6001.

(10) “Good standing” means a participant in the Program administered under this section:

(A) that does not have an active enforcement violation that has reached a final order with the Agency of Agriculture, Food and Markets or the Agency of Natural Resources; and

(B) that is in compliance with all terms of a current grant agreement or contract with the Agency of Agriculture, Food and Markets or the Agency of Natural Resources.

(11) “Livestock” means cattle, cow/calf pairs, youngstock, heifers, bulls, American bison, swine, sheep, goats, horses, cervids, camelids, ratites, rabbits, pheasants, chukar partridge, coturnix quail, laying hens, broilers, ducks, turkeys, or any other type of fowl as designated by the Secretary.

(12) “Livestock product” means any carcass, or part of a carcass, meat, or meat food product of any livestock.

(13) “Poultry product” means any poultry carcass or part of a carcass; or any product that is made wholly or in part from any poultry carcass or part of a carcass.

(14) “Secretary” means the Secretary of Agriculture, Food and Markets.

(d) Administration of Program; eligibility.

(1) The Vermont Economic Development Authority shall administer a Program according to the terms of a memorandum of understanding with the Agency of Agriculture, Food, and Markets and shall approve applications for assistance under this section to offset the economic harm incurred due to the COVID-19 public health emergency.

(2) In order to qualify for assistance under this section, an eligible applicant shall:

(A) be currently operating a farm, a commercial processing facility, a commercial slaughterhouse, or a farmers’ market;

(B) be in good standing; and

(C) accurately demonstrate to the Vermont Economic Development Authority the economic harm that occurred or accrued on or after March 1, 2020 and before December 1, 2020 by providing evidence of losses or expenses related to business interruption caused by the COVID-19 public health emergency.

(3) Based on federal law and guidance, the Vermont Economic Development Authority, in consultation with the Agency of Agriculture, Food and Markets, shall establish guidelines identifying the specific types of costs for which grant recipients may use grant funds, provided that essential operating expenses to respond to the COVID-19 public health emergency and maintain operation of an eligible applicant shall be eligible uses of grants under this section.

(4) Economic harm is not compensable under this section if the same economic harm is covered by insurance or if the economic harm was compensated under another State or federal grant; provided, however, that this restriction does not apply to loans or advance payments for which repayment is expected.

(5) An eligible applicant shall not receive an award under this section if the applicant had a net business profit between March 1, 2020 and August 1, 2020.

(e) Implementation.

(1) The Vermont Economic Development Authority shall create an application form that eligible applicants shall utilize when applying for relief. Eligible applicants shall certify that all information they provide is truthful and accurate to the best of their knowledge, information, and belief.

(3) The Vermont Economic Development Authority shall, based on the amount of economic harm incurred by the eligible applicant on the date the application is received, provide up to the maximum award. Applications shall be processed in the order received, but an application shall not be ready for evaluation until the Vermont Economic Development Authority determines that the application is administratively complete and includes all required proof of economic harm.

(4) The Vermont Economic Development Authority may use not less than five percent and up to 8 percent of the appropriation for this Program for administrative costs of implementing and administering the Program provided that the expenses represent an increase over previously budgeted amounts and are limited to what is necessary.

(f) Payment; maximum award.

(1) Until all funds appropriated to the Program are awarded, the Vermont Economic Development Authority shall award grant payments to reimburse eligible applicants for demonstrated economic harm as follows based on annual gross sales:

(A) Eligible applicants with annual gross sales of \$10,000.00 to

\$24,999.00 shall receive up to \$2,500.00.

(B) Eligible applicants with annual gross sales of \$25,000.00 to \$49,999.00 shall receive up to \$5,000.00.

(C) Eligible applicants with annual gross sales of \$50,000.00 to \$99,999.00 shall receive up to \$10,000.00.

(D) Eligible applicants with annual gross sales of \$100,000.00 or more shall receive up to \$20,000.00.

(2) An eligible applicant shall be evaluated according to the information regarding the applicant known to the Secretary or the Vermont Economic Development Authority as of March 1, 2020 or according to information required to be submitted as part of the application.

(g) Application; processing.

(1) Once an eligible applicant submits a complete application and demonstrates economic harm, the Vermont Economic Development Authority shall promptly approve a grant payment, provided that the appropriated funds have not been expended. Applications shall be submitted not later than October 1, 2020, and the last payment may be a partial payment consisting of the remaining available funds.

(2) Each assistance payment shall be a direct grant payment from the State Treasurer to an eligible applicant. Eligible applicants shall not submit more than one application per each separate farm or business owned or controlled by the producer or processor.

(h) Program terms and limitations.

(1) The Vermont Economic Development Authority shall approve grant payments under this section on a first-come, first-served basis until funds are expended or December 20, 2020, whichever is sooner.

(2) The name of an eligible applicant that receives an award under this section and the amount of the award are public records subject to inspection and copying under the Public Records Act.

(3) Any application documents of an eligible applicant containing federal identification numbers and sales amounts are subject to the confidentiality provisions of 32 V.S.A. § 3102 and are return information under that section.

(4) Data and information submitted to the Secretary or to the Vermont Economic Development Authority by an eligible applicant under this section to demonstrate economic harm shall be a trade secret exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), provided that:

(A) the Secretary or the Vermont Economic Development Authority may use and disclose such information in summary or aggregated form that does not directly or indirectly identify an individual eligible applicant; and

(B) the Vermont Economic Development Authority shall provide to the Secretary the name and contact information of any eligible applicant that receives an award under this section so that the Secretary may begin to establish a database or record of the non-dairy agricultural producers, commercial processors, commercial slaughterhouses, and farmers' markets in the State.

(5) Notwithstanding any law or State grant requirement to the contrary, an eligible applicant shall not be denied participation in the Program or have a payment withheld, set off, or reduced for failure to be in full compliance with any obligation to pay any or all taxes due to the State of Vermont.

* * * Assistance Outreach * * *

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

(a) The Secretary of Agriculture, Food and Markets, in consultation with interested parties and partner organizations, shall conduct outreach and education regarding the availability of financial assistance to farmers and agricultural processors under the Dairy Assistance Program and the Non-dairy Agricultural Producer and Processor Assistance Program established under this act.

(b) The Secretary of Agriculture, Food and Markets shall prepare a short survey that applicants under the Dairy Assistance Program and the Non-dairy Agricultural Producer and Processor Assistance Program established under this act shall complete to help identify farmers and agricultural processors that are interested in technical assistance, succession planning, or similar services provided by the State and its agricultural partners.

(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 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) In the September 1, 2020 report required under subsection (c) of this section, the Secretary of Agriculture, Food and Markets shall provide an accounting of the funds remaining to be appropriated under the Non-dairy Agricultural Producer and Processor Assistance Program. If Non-dairy Agricultural Producer and Processor Assistance Program funds remain unappropriated on September 15, 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.

* * * Forest Economy Stabilization Grants * * *

Sec. 9. FOREST ECONOMY STABILIZATION GRANT PROGRAM;
CORONAVIRUS RELIEF FUND; APPROPRIATION

(a) The sum of \$5,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Natural Resources in fiscal year 2021 for the purpose of establishing the Forest Economy Stabilization Grant Program as set forth in this section. The Agency of Natural Resources shall enter into memorandum of understanding with the Vermont Economic Development Authority for the implementation and administration of the Forest Economy Stabilization Grant Program.

(b) The General Assembly determines that the expenditure of monies from the Coronavirus Relief Fund as set forth in this section is necessary to stabilize forest products businesses due to lost revenues and expenses related to the business interruptions caused by the COVID-19 public health emergency. Low-grade wood constitutes nearly three-quarters of the annual timber harvest in Vermont, and low-grade wood is a key component to paper making. However, the COVID-19 public health emergency has reduced market demand for paper in offices, schools, institutions, advertising, and many other outlets. As a result, millions of tons of unsold paper are stockpiled in warehouses at paper mills, thereby freezing the supply chain for paper making and other associated products harvested and processed from Vermont forests. In addition, low-grade pulpwood chips that would have been used to make paper are being diverted to wood-fired electric plants, thereby displacing the use of whole-tree chips normally supplied by logging contractors delivering whole-tree chips. As a result of these market and supply chain disruptions caused by the COVID-19 public health emergency, forest products businesses are suffering significant business interruptions that restrict the ability of logging contractors to harvest, limit timber sales, diminish landowner return, reduce the supply of forest products to processors that have viable markets, and significantly reduce the need for services from haulers, foresters, and other forest products businesses.

(c) As used in this section:

(1) “Economic harm” means a forest products business’s expenses or lost revenues, or both, related to the 2020 COVID-19 public health emergency.

(2) “Forest products business” means a Vermont enterprise that is primarily engaged in managing, harvesting, trucking, processing, manufacturing, crafting, or distributing forest or wood products derived from Vermont forests. “Forest products business” includes consulting forestry services and secondary manufacturers of wood products.

(d)(1) The Vermont Economic Development Authority shall administer the Forest Economy Stabilization Grant Program according to the terms of the memorandum of understanding with the Agency of Natural Resources and shall approve application for assistance under this section for eligible forest products businesses that have suffered economic harm.

(2) A forest products business shall qualify for assistance under the Program if the business:

(A) was operating in the State on or before February 1, 2020; and

(B) accurately demonstrates to the Vermont Economic Development Authority economic harm that occurred or accrued on or after March 1, 2020 and before December 1, 2020 by providing evidence of lost revenues or expenses related to business interruption caused by the COVID-19 public health emergency.

(3) Based on federal law and guidance, the Vermont Economic Development Authority, in consultation with the Department of Forests, Parks, and Recreation, shall establish guidelines identifying the specific types of costs for which grant recipients may use grant funds, provided that essential operating expenses to respond to the COVID-19 public health emergency and maintain operation of a forest products business shall be eligible uses of grants under this section.

(4) Economic harm is not compensable under this section if the same economic harm is covered by insurance or if the economic harm was compensated under another State or federal grant; provided, however, that this restriction does not apply to loans or advance payments for which repayment is expected.

(e)(1) The Vermont Economic Development Authority, in consultation with the Department of Forests, Parks, and Recreation, shall create an application form that forest products businesses shall utilize when applying for assistance. Applicants shall certify that all information they provide is truthful and accurate to the best of their knowledge, information, and belief.

(2) The Vermont Economic Development Authority shall, based on the

amount of economic harm incurred by the forest products business on the date the application is received, provide up to the maximum award permitted under this section. Applications shall be processed in the order received, but an application shall not be ready for evaluation until the Vermont Economic Development Authority determines that the application is administratively complete and includes all required proof of economic harm.

(3) Until all funds appropriated to the Forest Economy Stabilization Grant Program are awarded, the Vermont Economic Development Authority shall approve applications for grants to reimburse qualified forest products businesses for demonstrated economic harm up to the maximum amount of \$100,000.00 for each eligible forest products business.

(4) Grants to be awarded pursuant to this section shall be disbursed as a single payment. All funds shall be disbursed, and cover economic harm incurred, on or before December 30, 2020 as required by the CARES Act.

(5) The Vermont Economic Development Authority may use not less than five percent and up to 8 percent of the appropriation for this Program for administrative costs of implementing and administering the Program provided that the expenses represent an increase over previously budgeted amounts and are limited to what is necessary.

(f)(1) The Vermont Economic Development Authority shall approve applications for grant payments under this section on a first-come, first-served basis until all funds are expended or December 20, 2020, whichever is sooner. Each grant payment shall be a direct grant payment from the State Treasurer to an eligible applicant.

(2) Any application documents of a forest products business containing federal identification numbers and sales amounts are subject to the confidentiality provisions of 32 V.S.A. § 3102 and are return information under that section.

(3) Data submitted to the Secretary by a forest products business under this section to demonstrate economic harm shall be a trade secret exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), provided that the Secretary may use and disclose submitted information in summary or aggregated form that does not directly or indirectly identify an individual forest products business.

(g) On or before July 31, 2020, the Agency of Natural Resources shall provide information to the House Committees on Appropriations, on Agriculture and Forestry, and on Natural Resources, Fish and Wildlife and the Senate Committees on Appropriations, on Agriculture, and on Natural Resources and Energy regarding the Vermont Economic Development

Authority's distribution of Forest Economy Stabilization Grant Program grant funds to date, including the types of enterprises awarded funds, the aggregate amounts awarded by enterprise, and the aggregate amounts awarded by geographic region of the State. The Vermont Economic Development Authority shall provide an updated version of the report required under this section to the General Assembly on or before September 1, 2020 and on or before January 1, 2021.

(h) The Agency of Natural Resources shall transfer any amounts appropriated for the purposes of this section that remain both unencumbered and unspent as of September 15, 2020 to the Agency of Commerce and Community Development for additional emergency economic recovery grants pursuant to 2020 Acts and Resolves No. 115.

* * * Agricultural Fairs * * *

Sec. 9a. AGRICULTURAL FAIRS; RELIEF ASSISTANCE

(a) The sum of \$500,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Agriculture, Food and Markets in fiscal year 2021 for the purpose of awarding grants to agricultural fairs in the State that have suffered verifiable lost revenues or expenses caused by the COVID-19 public health emergency.

(b) To be eligible for an award under this section, an agricultural fair shall be registered with the Agency of Agriculture, Food and Markets. An agricultural fair shall demonstrate to the Agency lost revenues or expenses that occurred or accrued on or after March 1, 2020 and before September 1, 2020 due to the COVID-19 public health emergency. The Agency of Agriculture, Food and Markets shall award grants under this section equitably to all eligible agricultural fairs in the State.

(c) The Agency of Agriculture, Food and Markets shall transfer any amounts appropriated for the purposes of this section that remain both unencumbered and unspent as of September 15, 2020 to the Agency of Commerce and Community Development for additional emergency economic recovery grants pursuant to 2020 Acts and Resolves No. 115.

* * * Farm Worker Safety * * *

Sec. 10. FARM WORKER HEALTH AND SAFETY; CORONAVIRUS; AVAILABILITY

The Secretary of Agriculture, Food and Markets, after consultation with the Department of Labor and the Vermont Occupational Safety and Health Administration (VOSHA), shall post on the Agency of Agriculture, Food and Markets' website educational material available from VOSHA related to farm

worker health and safety, including VOSHA's recommended best practices or preventative measures farm workers should implement to address the threat to health and safety posed by the COVID-19 coronavirus and other similar threats to health and safety. The Secretary of Agriculture, Food and Markets shall post the English and Spanish language versions of the VOSHA educational material required under this section and shall provide links or references on how to obtain the material from VOSHA in other languages.

* * * VHCB; COVID-19 Business Consulting for Farms * * *

Sec. 11. APPROPRIATIONS; VHCB; COVID-19 CONSULTING SERVICES FOR FARM AND FOOD BUSINESSES

In addition to funds appropriated in fiscal year 2021 to the Vermont Housing and Conservation Board (VHCB), \$192,000.00 is appropriated to VHCB from the Coronavirus Relief Fund to provide business, financial, and mental health assistance to farm and food businesses that suffered losses or expenses due to business interruptions caused by the COVID-19 public health emergency. Consulting services shall include information and assistance with accessing federal and State COVID-19 relief funds, access to additional markets, diversification of income streams, access to mental health services, and other assistance farm and food businesses may require to address or recover from business interruption caused by the COVID-19 public health emergency.

* * * VHCB; Authority * * *

Sec. 12. 10 V.S.A. § 321 is amended to read:

§ 321. GENERAL POWERS AND DUTIES

(a) The Board shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter, including those general powers provided to a business corporation by Title 11A and those general powers provided to a nonprofit corporation by Title 11B and including, without limitation of the general powers under Titles 11A and 11B, the power to:

- (1) upon application from an eligible applicant in a form prescribed by the Board, provide funding in the form of grants or loans for eligible activities;
- (2) enter into cooperative agreements with private organizations or individuals or with any agency or instrumentality of the United States or of this State to carry out the purposes of this chapter;
- (3) issue rules in accordance with 3 V.S.A. chapter 25 for the purpose of administering the provisions of this chapter; ~~and~~

(4) transfer funds to the Department of Housing and Community Development to carry out the purposes of this chapter;

(5) make and execute all legal documents necessary or convenient for the exercise of its powers and functions under this chapter, including legal documents that may be made and executed with the State or any of its agencies or instrumentalities, with the United States or any of its agencies or instrumentalities or with private corporations or individuals;

(6) receive and accept grants from any source to be held, used, or applied or awarded to carry out the purposes of this chapter subject to the conditions upon which the grants, aid, or contributions may be made;

(7) make and publish rules and regulations respecting its housing programs and such other rules and regulations as are necessary to effectuate its corporate purposes; and

(8) do any and all things necessary or convenient to effectuate the purposes and provisions of this chapter and to carry out its purposes and exercise the powers given and granted in this chapter.

(b)(1) The Board shall seek out and fund nonprofit organizations and municipalities that can assist any region of the State that has high housing prices, high unemployment, ~~and~~ or low per capita incomes in obtaining grants and loans under this chapter for perpetually affordable housing.

(2) The Board shall administer the “HOME” affordable housing program ~~which~~ that was enacted under Title II of the Cranston-Gonzalez National Affordable Housing Act (Title II, P.L. 101-625, 42 U.S.C. 12701-12839). The State of Vermont, as a participating jurisdiction designated by Department of Housing and Urban Development, shall enter into a written memorandum of understanding with the Board, as subrecipient, authorizing the use of HOME funds for eligible activities in accordance with applicable federal law and regulations. HOME funds shall be used to implement and effectuate the policies and purposes of this chapter related to affordable housing. The memorandum of understanding shall include performance measures and results that the Board will annually report on to the Vermont Department of Housing and Community Development.

(c) On behalf of the State of Vermont, the Board shall be the exclusive designated entity to seek and administer federal affordable housing funds available from the Department of Housing and Urban Development under the national Housing Trust Fund ~~which~~ that was enacted under HR 3221, Division A, Title 1, Subtitle B, Section 1131 of the Housing and Economic Reform Act of 2008 (P.L. 110-289) to increase perpetually affordable rental housing and home ownership for low and very low income families. The

Board is also authorized to receive and administer federal funds or enter into cooperative agreements for a shared appreciation and/or community land trust demonstration program that increases perpetually affordable homeownership options for lower income Vermonters and promotes such options both within and outside Vermont.

(d) On behalf of the State of Vermont, the Board shall seek and administer federal farmland protection and forestland conservation funds to facilitate the acquisition of interests in land to protect and preserve in perpetuity important farmland for future agricultural use and forestland for future forestry use. Such funds shall be used to implement and effectuate the policies and purposes of this chapter. In seeking federal farmland protection and forestland conservation funds under this subsection, the Board shall seek to maximize State participation in the federal Wetlands Reserve Program and such other programs as is appropriate to allow for increased or additional implementation of conservation practices on farmland and forestland protected or preserved under this chapter.

(e) The Board shall inform all grant applicants and recipients of funds derived from the annual capital appropriations and State bonding act of the following: "The Vermont Housing and Conservation Trust Fund is funded by the taxpayers of the State of Vermont, at the direction of the General Assembly, through the annual Capital Appropriation and State Bonding Act." An appropriate placard shall, if feasible, be displayed at the location of the proposed grant activity.

Sec. 13. 2017 Acts and Resolves No. 77, Sec. 12 is amended to read:

Sec. 12. REPEALS REPEAL

~~(a) 10 V.S.A. chapter 15, subchapter 4 (Rural Economic Development Initiative) shall be repealed on July 1, 2021; and~~

~~(b) 6 V.S.A. § 4828(d) (phosphorus removal grant criteria) shall be repealed on July 1, 2023.~~

* * * Effective Date * * *

Sec. 14. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Bill Amended; Bill Passed**S. 237.**

Senate bill entitled:

An act relating to promoting affordable housing.

Having been called up was taken up.

Thereupon, pending third reading of the bill, Senator Sirotkin moved to amend the bill by striking out in their entireties Secs. 5 (10 V.S.A. § 6001), 6 (10 V.S.A. § 6081), 7 (repeals), 8 (10 V.S.A. § 6090), 9 (24 V.S.A. § 2792(a)), 10 (24 V.S.A. § 2793), 12 (24 V.S.A. § 2793e), 14 (10 V.S.A. § 1972), 15 (10 V.S.A. § 1974(9)), 16 (10 V.S.A. § 1983), and 16a (study of subdivision regulations in authorized municipalities) and inserting in lieu thereof the following:

[Deleted.]

Which was agreed to on a roll call, Yeas 28, Nays 0.

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

Roll Call

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

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Baruth, Rodgers.

Thereupon, the bill was read the third time and passed.

Rules Suspended; Bill Placed in All Remaining Stages of Passage

On motion of Senator Ashe, the rules were suspended, and the following bill was placed in all remaining stages of passage:

H. 966.**Senator Ashe Assumes the Chair**

**Proposal of Amendment; Bill Passed in Concurrence with Proposals of
Amendment; Bill Messaged**

H. 966.

House bill entitled:

An act relating to COVID-19 funding and assistance for broadband connectivity, housing, and economic relief .

Was taken up.

Thereupon, pending third reading of the bill, Senator Kitchel moved to amend the Senate proposal of amendment as follows:

First: In Sec. 1, by striking out “\$209,500,000.00” in its entirety and by inserting in lieu thereof \$214,200,000.00

Second: In Sec. 6, in subdivision (a)(2), by striking out “\$2,000,000.00” and inserting in lieu thereof \$2,500,000.00

Third: In Sec. 6, by striking out subdivision (d)(3) in its entirety and inserting in lieu thereof a new subdivision (d)(3) to read:

(3) shall transfer any grant funds appropriated under subsection (a) of this section that remain unencumbered as of November 15, 2020 to the Agency of Commerce and Community Development, which the Agency shall use to make additional emergency economic recovery grants pursuant to this section.

Fourth: In Sec. 7, COVID-19 expense reimbursement; local government, by striking out subdivision (c)(1) in its entirety and inserting in lieu thereof:

(1) \$12,650,000.00 in grants that shall not exceed \$750,000.00 per recipient for reimbursement of eligible COVID-19 expenses to the following:

Fifth: In Sec. 7, COVID-19 expense reimbursement; local government, by striking out subdivision (c)(4) in its entirety and inserting in lieu thereof:

(4) In the event that applications for reimbursements exceed the amounts allocated, grants may be prorated. If funds are available after November 15, 2020, the Secretary may award grants to towns on a prorated basis above the level capped under subdivision (1) of this subsection.

Sixth: In Sec. 13, concerning the COVID-Response Accelerated Broadband Connectivity Program, subsection (q), after the first sentence, by adding a sentence to read: The Telecommunications and Connectivity Advisory Board is authorized to meet up to 12 times in calendar year 2020.

Seventh: In Sec. 20, concerning utility ratepayer arrearages, by striking out “5,000,000.00” and inserting in lieu thereof \$8,000,000.00

Eighth: By adding a new Sec. 21a to read as follows:

Sec. 21a. E-911 FUNDING

The sum of \$200,000.00 is appropriated to the Enhanced 911 Fund for necessary expenses incurred due to unbudgeted and unplanned critical public health and safety activities and services directly caused by or provided in response to the COVID-19 public health emergency.

Which was agreed to.

Thereupon, Senators Sirotkin, Balint, Brock, Clarkson and Hooker moved that the Senate proposal of amendment be amended in Sec. 6, COVID-19; economic support for businesses and individuals, by striking out subdivision (b)(1) in its entirety and inserting in lieu thereof a new subdivision (b)(1) to read as follows:

(1)(A) \$2,500,000.00 to the Department of Tourism and Marketing to create a Restart Vermont marketing program to encourage visitation and consumer spending in Vermont to support businesses that have suffered economic harm due to the COVID-19 public health emergency.

(B) Eligible uses for the funds appropriated in subdivision (A) of this subdivision (1) include:

(i) marketing activities to promote travel to and within Vermont to increase consumer spending at tourism, hospitality, retail, and related businesses; and

(ii) statewide or regional consumer stimulus programs or consumer purchasing incentives that maximize the effect of local consumer spending, including at restaurants, lodging establishments, retail stores, and tourism attractions.

(C)(i) The Department shall investigate:

(I) the feasibility of establishing a consumer incentive program to provide to front-line workers who receive hazard pay through the Front-Line Employees Hazard Pay Grant Program with meaningful discounts or other incentives by and at participating Vermont restaurants and to promote restaurants participating in the program through distinctive signage and other means;

(II) the potential of:

(aa) issuing a simple identification card for use at participating restaurants; or

(bb) working with a third-party vendor to offer employers the option to allow eligible employees to elect to receive hazard pay on a

distinctive payroll card that will entitle the employees to a discount with participating restaurants.

(ii) If the Agency determines that such a program is feasible, it is authorized, in its discretion, to implement the program in conjunction with the Front-Line Employees Hazard Pay Grant Program, provided that:

(I) participation in the program by employers, eligible employees, and restaurants shall be voluntary; and

(II) administrative costs associated with the program shall be paid by any combination of the following:

(aa) participating restaurants;

(bb) participating employees; or

(cc) to the extent permitted pursuant to Sec. 5001 of the CARES Act, as may be amended, and any guidance issued pursuant to that section, from the amount allocated in subdivision (A) of this subdivision (b)(1).

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment.

Rules Suspended; Bills Messaged

On motion of Senator Balint, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

S. 237, H. 966.

Rules Suspended; Bill Delivered

On motion of Senator Balint, the rules were suspended, and the following bill was ordered delivered to the Governor forthwith:

S. 351.

Message from the House No. 62

A message was received from the House of Representatives by Ms. Alona Tate, 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. 342. An act relating to temporary workers' compensation amendments related to COVID-19.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the Senate is requested.

Recess

On motion of Senator Mazza the Senate recessed until 6:00 P.M..

Called to Order

The Senate was called to order by the President.

Rules Suspended; House Proposal of Amendment Concurred In

S. 342.

Pending entry on the Calendar for notice, on motion of Senator Ashe, the rules were suspended and House proposal of amendment to Senate bill entitled:

An act relating to temporary workers' compensation amendments related to COVID-19.

Was taken up for immediate consideration.

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

* * * Workers' Compensation * * *

Sec. 1. WORKERS' COMPENSATION; ADMINISTRATIVE
FLEXIBILITY; TEMPORARY AUTHORITY

(a) In order to effectuate the remedial purpose of Vermont's Workers' Compensation law and to ensure that injured workers are able to obtain the workers' compensation benefits they are entitled to, the Commissioner shall, during a declared state of emergency related to COVID-19, have authority to issue guidance and adopt procedures to extend deadlines or temporarily amend or waive specific requirements of 21 V.S.A. chapter 9 and the rules adopted pursuant to that chapter.

(b) Any guidance or procedures that are issued or adopted by the Commissioner pursuant to this section shall be effective during the state of emergency in which they are adopted, and the Commissioner shall establish a procedure to transition those claims impacted by the emergency to preexisting rules within 45 days after the termination of the state of emergency.

(c) The Commissioner shall post any guidance issued or procedure adopted pursuant to this section on the Department's website and shall make reasonable

efforts to provide prompt notice of the guidance or procedure to employers, attorneys, and employee organizations.

(d) The Commissioner shall not be required to initiate rulemaking pursuant to 3 V.S.A. § 831(c) in relation to any guidance issued or procedure adopted pursuant to this section.

Sec. 2. COVID-19; PRESUMPTION OF COMPENSABILITY

(a)(1) In the case of a front-line worker, disability or death resulting from COVID-19 shall be presumed to be compensable pursuant to 21 V.S.A. chapter 9, provided that the front-line worker receives a positive laboratory test for COVID-19 or a diagnosis of COVID-19 from a licensed healthcare provider between March 1, 2020 and January 15, 2021.

(2) As used in this subsection:

(A)(i) “Elevated risk of exposure to COVID-19” means the performance of a job that requires the worker to have regular physical contact with known sources of COVID-19 or regular physical or close contact with patients, inmates in a correctional facility, residents of a residential care or long-term care facility, or members of the public in the course of his or her employment.

(ii) As used in this subdivision (2)(A), “close contact” means interactions with another individual that require the employee to be within six feet of that individual.

(B) “Front-line worker” means an individual with an elevated risk of exposure to COVID-19 who is employed as:

(i) a firefighter as defined in 20 V.S.A. § 3151(3) and (4);

(ii) a law enforcement officer who has been certified by the Vermont Criminal Justice Training Council pursuant to 20 V.S.A. chapter 151;

(iii) emergency medical personnel and volunteer personnel as defined in 24 V.S.A. § 2651;

(iv) a worker in a health care facility or in an institution or office where health care services are provided by licensed healthcare professionals;

(v) a correctional officer;

(vi) a worker in a long-term care facility or residential care facility;

(vii) a childcare provider who is permitted to provide childcare to the children of other front-line workers pursuant to Executive Order 01-20;

(viii) a home health care worker or personal care attendant;

(ix) a worker in a morgue, funeral establishment, or crematory facility; and

(x) a worker performing services that the Commissioner determines place the worker at a similarly elevated risk of being exposed to or contracting COVID-19 as the other occupations listed in this subsection (a).

(b) For an employee who is not a front-line worker as defined in subdivision (a)(2)(B) of this section, disability or death resulting from COVID-19 shall be presumed to be compensable pursuant to 21 V.S.A. chapter 9 if the employee receives a positive laboratory test for COVID-19 or a diagnosis of COVID-19 from a licensed healthcare provider between April 1, 2020 and January 15, 2021 and, not more than 14 days prior to the date on which the employee is tested or examined, either:

(1) had documented occupational exposure in the course of employment to an individual with COVID-19; or

(2) performed services at a residence or facility with one or more residents or employees who:

(A) were present at the time the services were performed; and either

(B)(i) had COVID-19 at that time; or

(ii) tested positive for COVID-19 within 14 days after the services were performed.

(c)(1) The presumption of compensability in subsection (a) of this section shall not apply if it is shown by a preponderance of the evidence that the disease was caused by non-employment-connected risk factors or non-employment-connected exposure.

(2) The presumption of compensability in subsection (b) of this section shall not apply if the employer can show by a preponderance of the evidence that:

(A) the disease was caused by non-employment-connected risk factors or non-employment-connected exposure; or

(B) at the time the employee was potentially exposed to COVID-19, the employee's place of employment was in compliance with:

(i) between April 1, 2020 and April 20, 2020, the relevant COVID-19 related guidance for businesses and workplaces issued by the U.S. Centers for Disease Control and the Vermont Department of Health and any similar guidance issued by local or municipal authorities; and

(ii) between April 20, 2020 and January 15, 2021, the Restart Vermont Worksafe Guidance issued by the Agency of Commerce and Community Development, and any similar guidance issued by local or municipal authorities.

(d) The Commissioner shall not be required to initiate rulemaking pursuant to 3 V.S.A. § 831(c) in relation to any guidance issued or procedure adopted in relation to this section.

Sec. 3. PROSPECTIVE REPEAL

In the absence of legislative action to the contrary, Secs. 1 and 2 of this act are repealed on January 15, 2021.

Sec. 4. WORKERS' COMPENSATION COVID-19 REIMBURSEMENT; STUDY; REPORT

(a) The Commissioner of Financial Regulation shall examine the potential for creating a special fund that can be used to reimburse workers' compensation insurers, intermunicipal insurance associations, and self-insured employers for COVID-19 related workers' compensation costs related to COVID-19. In particular, the Commissioner shall examine the following issues:

(1) the average cost of paying a COVID-19 related workers' compensation claim in Vermont;

(2) factors that can influence the cost of a COVID-19 related workers' compensation claim, including medical costs, the average amount of time that a worker must be out of work, applicable deductibles, and any other factors that the Commissioner determines are appropriate;

(3) potential COVID-19 related impacts on workers' compensation costs and experience modifiers based on the experience of Vermont and other states with respect to COVID-19 infection rates and COVID-19 related workers' compensation claims, as well as projections for future rates of COVID-19 infections and COVID-19 related workers' claims in Vermont;

(4) the amount of funding and any legislative action that would be necessary to substantially mitigate or eliminate the impact of COVID-19 related workers' compensation claims on workers' compensation costs; and

(5) requirements for structuring such a fund so that monies from the Coronavirus Relief Fund can be used in compliance with the requirements of section 5001 of Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (the CARES Act), as may be amended, and any guidance issued pursuant to that section.

(b) The Commissioner shall consult with interested parties including relevant trade groups and advocates for employers, workers' compensation insurers, and employees.

(c) On or before August 15, 2020, the Commissioner shall submit a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with his or her findings and any recommendations for legislative action.

Sec. 5. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2021, after consideration of the formula in 21 V.S.A. § 711(b) and historical rate trends, the General Assembly determines that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall remain at the rate of 1.4 percent. The contribution rate for self-insured workers' compensation losses and workers' compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

* * * Sales and Use Tax; Paper Bags * * *

Sec. 6. 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 subdivision 9701(5) of this title.

* * * Effective Dates * * *

Sec. 7. EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214, the section and Sec. 1 and 2 of this act shall take effect on passage and shall apply retroactively to March 1, 2020.

(b) Secs. 5 and 6 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, Secs. 5 and 6 shall take effect on passage and shall apply retroactively to July 1, 2020.

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

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Thereupon, on motion of Senator Ashe, the rules were suspended and the bill was ordered delivered to the Governor forthwith.

Recess

On motion of Senator Ashe the Senate recessed until 7:15 P.M.

Called to Order

The Senate was called to order by the President.

Recess

On motion of Senator Ashe the Senate recessed until 8:40 P.M.

Called to Order

The Senate was called to order by the President.

Message from the House No. 63

A message was received from the House of Representatives by Ms. Alona Tate, 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. 572. An act relating to the Maternal Mortality Review Panel.

H. 656. An act relating to miscellaneous agricultural subjects.

H. 956. An act relating to miscellaneous amendments to alcoholic beverage laws.

H. 960. An act relating to miscellaneous health care provisions.

H. 965. An act relating to health care- and human services-related appropriations from the Coronavirus Relief Fund.

And has severally concurred therein.

Message from the House No. 64

A message was received from the House of Representatives by Ms. Alona Tate, 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. 219. An act relating to addressing racial bias and excessive use of force by law enforcement.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

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

H. 966. An act relating to COVID-19 funding and assistance for broadband connectivity, housing, and economic relief .

And has severally concurred therein.

Rules Suspended; House Proposal of Amendment Concurred In

S. 219.

Pending entry the Calendar for notice, on motion of Senator Ashe, the rules were suspended and House proposal of amendment to Senate bill entitled:

An act relating to addressing racial bias and excessive use of force by law enforcement.

Was taken up for immediate consideration.

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

Sec. 1. LEGISLATIVE INTENT

(a) This act is a continuation of the General Assembly's work over the past several years to create meaningful reforms to address any systemic racism and disproportionate use of force by law enforcement. Such reforms include 2017 Acts and Resolves No. 54, an act relating to the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel; 2018 Acts and Resolves No. 9, an act relating to racial equity in State government; 2013 Acts and Resolves No. 180, an act relating to a statewide policy on the use of and training requirements for electronic control devices; and 2017 Acts and Resolves No. 56, an act relating to the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council. The ongoing effort includes the work on S.338 (2020), an act relating to justice reinvestment, a data-driven approach to improve public safety, reduce criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism. Additionally, the legislative committees of jurisdiction continue to study law enforcement policies, training standards, and discipline, including accreditation through the Commission on Accreditation for Law Enforcement Agencies within the next five years, and work on updating a model policy for the use of body cameras. Therefore, this act represents one step in the General Assembly's ongoing effort to combat racial bias and increase transparency and accountability in policing. The General Assembly is

committed to continually assessing the progress made by the State towards developing a system of public safety that is effective, equitable, and maintains the public trust and continuing its work to achieve that goal.

(b) It is the intent of the General Assembly that law enforcement agencies in Vermont use community policing strategies that develop collaborative partnerships between law enforcement and communities consistent with the pillars of 21st Century Policing as developed by President Obama's Task Force on 21st Century Policing, adopt policies and practices that reflect a guardian mindset towards the citizens they serve, and establish a culture of transparency and accountability to promote public safety and foster public trust. To this end, it is the intent of the General Assembly that law enforcement use de-escalation strategies first and foremost before using force in every community-police interaction.

(c) It is the intent of the General Assembly that it continue to work on the issues addressed in this bill, including when the 2020 legislative session reconvenes in August. Specifically, the General Assembly commits to working on:

(1) increasing the resources to and authority of the Executive Director of Racial Equity;

(2) whether or not to resituate the Criminal Justice Training Council to the jurisdiction of the Department of Public Safety;

(3) evaluating the provisions of Sec. 6 of this act (law enforcement use of prohibited restraint), 13 V.S.A. § 2305, and 24 V.S.A. § 299 in consultation with interested stakeholders, including the Attorney General, the Executive Director of States Attorneys and Sheriffs, the Defender General, and the Executive Director of the Human Rights Commission, or their designees, and revising those provisions as appropriate;

(4) evaluating whether and how to gather data regarding the interactions between law enforcement and people with mental health issues;

(5) reviewing the Law Enforcement Advisory Board and ACLU model policies governing law enforcement use of body cameras in consultation with interested stakeholders, including the Vermont chapter of the American Civil Liberties Union, the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel, and the Secretary of State, and developing a statewide policy for adoption prior to the effective date of Sec. 7 of this act; and

(6) considering recommendations that come forward through a process of meaningful community engagement, particularly with impacted, marginalized, and vulnerable communities.

* * * Law Enforcement Race Data Collection * * *

Sec. 2. 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) within six months prior to the Secretary's or designee's review.

Sec. 3. SECRETARY OF ADMINISTRATION; NOTICE TO LAW ENFORCEMENT AGENCIES

On or before August 1, 2020, the Secretary of Administration shall issue a notice to all Vermont law enforcement agencies and constables that the provisions of 3 V.S.A. § 2222(k) become effective on January 1, 2021, and that, beginning on that date, State grant funding for law enforcement shall be contingent on the agency or constable complying with the requirements of 20 V.S.A. § 2366(e).

Sec. 4. 20 V.S.A. § 2366 is amended to read:

§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL POLICING POLICY; RACE DATA COLLECTION

* * *

(e)(1) On or before September 1, 2014, every State, county, and municipal law enforcement agency shall collect roadside stop data consisting of the following:

- (A) the age, gender, and race of the driver;
- (B) the ~~reason~~ grounds for the stop;
- (C) the grounds for the search and the type of search conducted, if any;
- (D) the evidence located, if any; ~~and~~
- (E) the outcome of the stop, including whether physical force was employed or threatened during the stop, and if so, the type of force employed and whether the force resulted in bodily injury or death, and whether:

- (i) a written warning was issued;

- (ii) a citation for a civil violation was issued;
- (iii) a citation or arrest for a misdemeanor or a felony occurred; or
- (iv) no subsequent action was taken.

(2) Law enforcement agencies shall work with the Executive Director of Racial Equity, the Criminal Justice Training Council, and a vendor chosen by the Council with the goals of collecting uniform data, adopting uniform storage methods and periods, and ensuring that data can be analyzed. Roadside stop data, as well as reports and analysis of roadside stop data, shall be public.

(3) On or before September 1, 2016 and annually thereafter, law enforcement agencies shall provide the data collected under this subsection to the Executive Director of Racial Equity and the vendor chosen by the Criminal Justice Training Council under subdivision (2) of this subsection or, in the event the vendor is unable to continue receiving data under this section, to the Council. Law enforcement agencies shall provide the data collected under this subsection in an electronic format specified by the receiving entity.

(4) The data provided pursuant to subdivision (3) of this subsection shall be posted electronically in a manner that is analyzable and accessible to the public on the receiving agency's website and clear and understandable. The receiving agency shall also report the data annually to the General Assembly.

(5) As used in this subsection, "physical force" shall refer to the force employed by a law enforcement officer to compel a person's compliance with the officer's instructions that constitutes a greater amount of force than handcuffing a compliant person.

(f) Nothing in this section is intended to prohibit or impede any public agency from complying with the lawful requirements of 8 U.S.C. §§ 1373 and 1644. To the extent any State or local law enforcement policy or practice conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, that policy or practice is, to the extent of the conflict, abolished.

*** Prohibited Restraints; Unprofessional Conduct ***

Sec. 5. 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), subchapter 2 is amended to read:

Subchapter 2. Unprofessional Conduct

§ 2401. DEFINITIONS

As used in this subchapter:

(1) “Category A conduct” means:

(A) A felony.

(B) A misdemeanor that is committed while on duty and did not involve the legitimate performance of duty.

(C) Any of the following misdemeanors, if committed off duty:

(i) simple assault, second offense;

(ii) domestic assault;

(iii) false reports and statements;

(iv) driving under the influence, second offense;

(v) violation of a relief from abuse order or of a condition of release;

(vi) stalking;

(vii) false pretenses;

(viii) voyeurism;

(ix) prostitution or soliciting prostitution;

(x) distribution of a regulated substance;

(xi) simple assault on a law enforcement officer; or

(xii) possession of a regulated substance, second offense.

(2) “Category B conduct” means gross professional misconduct amounting to actions on duty or under ~~color~~ of authority of the State, or both, that involve willful failure to comply with a State-required policy or substantial deviation from professional conduct as defined by the law enforcement agency’s policy or if not defined by the agency’s policy, then as defined by Council policy, ~~such as~~ and shall include:

(A) sexual harassment involving physical contact or misuse of position;

(B) misuse of official position for personal or economic gain;

(C) excessive use of force under ~~color~~ of authority of the State, ~~second~~ first offense;

(D) biased enforcement; or

(E) use of electronic criminal records database for personal, political, or economic gain;

(F) placing a person in a prohibited restraint;

(G) failing to intervene and report to a supervisor when the officer observes another officer placing a person in a prohibited restraint or using excessive force.

* * *

(5) “Unprofessional conduct” means Category A, B, or C conduct.

* * *

(7) “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.

* * *

§ 2407. LIMITATION ON COUNCIL SANCTIONS; FIRST OFFENSE OF CATEGORY B CONDUCT

(a) Category B conduct; first offense. If a law enforcement agency conducts a valid investigation of a complaint alleging that a law enforcement officer committed a first offense of Category B conduct, the Council shall take no action, except that the Council may take action for a first offense under subdivision 2401(2)(C) (excessive use of force under authority of the State), 2401(2)(F) (placing a person in a prohibited restraint), or 2401(2)(G) (failing to intervene and report to a supervisor when an officer observes another officer placing a person in a prohibited restraint or using excessive force) of this chapter.

* * *

Sec. 6. 13 V.S.A. § 1032 is added to read:

§ 1032. LAW ENFORCEMENT USE OF PROHIBITED RESTRAINT

(a) As used in this section:

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

(2) “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.

(3) “Serious bodily injury” shall have the same meaning as in section 1021 of this title.

(b) A law enforcement officer acting in the officer’s capacity as law enforcement who employs a prohibited restraint on a person that causes serious

bodily injury to or death of the person shall be imprisoned for not more than 20 years or fined not more than \$50,000.00, or both.

* * * Body Cameras * * *

Sec. 7. 20 V.S.A. § 1818 is added to read:

§ 1818. EQUIPMENT OF OFFICERS WITH VIDEO RECORDING DEVICES

The Department shall ensure that every Department law enforcement officer who exercises law enforcement powers is equipped with a body camera or other video recording device on his or her person.

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 FY21 budget proposal to the General Assembly in August of 2020.

* * * Repeals and Effective Dates * * *

Sec. 9. REPEALS

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

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

Sec. 10. EFFECTIVE DATES

(a) Sec. 2 (powers and duties; budget and report) of this act shall take effect on January 1, 2021.

(b) Sec. 5 (20 V.S.A. chapter 151) takes effect on September 1, 2020.

(c) Secs. 6 (law enforcement use of prohibited restraint) and 7 (equipment of officers with video recording devices) shall take effect on October 1, 2020.

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

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative on a roll call, Yeas 27, Nays 0.

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

Roll Call

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

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: McNeil, Rodgers, White.

Thereupon, on motion of Senator Ashe, the rules were suspended and the bill was ordered delivered to the Governor forthwith.

Message from the House No. 65

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

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 59. Joint resolution relating to Interim Adjournment.

And has adopted the same in concurrence.

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

S. 301. An act relating to miscellaneous telecommunications changes.

And has concurred therein.

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

H. 942. An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

H. 955. An act relating to capital construction and State bonding budget adjustment.

H. 959. An act relating to education property tax.

And has severally concurred therein.

Adjournment

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, August 25, 2020, at ten o'clock in the forenoon pursuant to J.R.S. 59.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the first day of July, 2020 he approved and signed bills originating in the Senate of the following titles:

S. 128. An act relating to physician assistant licensure.

S. 232. An act relating to implementing the expansion of juvenile jurisdiction.

S. 301. An act relating to miscellaneous telecommunications changes.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the second day of July, 2020 he approved and signed a bill originating in the Senate of the following title:

S. 351. An act relating to providing financial relief assistance to the agricultural community due to the COVID-19 public health emergency.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the second day of July, 2020 he did not approve and *allowed to become law without his signature a bill* originating in the Senate of the following title:

S. 348. An act relating to temporary elections procedures in the year 2020.

Text of Communication from Governor

The text of the communication to the Senate from His Excellency, the Governor, setting for his reasons for refusing to sign and *allowing to become law without his signature*, **Senate Bill No. S. 348**, is as follows:

“July 2, 2020

Vermont General Assembly
115 State Street
Montpelier, Vermont 05633

Dear Legislators:

Today, S. 348, *an act relating to temporary elections procedures in the year 2020* will go into law without my signature due to a technical flaw.

There appears to be a cross-reference to a section of the bill that does not exist, leaving the authority of the Secretary of State ambiguous as it relates to ballot returns.

It is my understanding that Legislative Council explained this mistake to the House Government Operations Committee and recommended clean-up, but there was a decision made to enact this legislation rather than taking the time to rectify.

This is particularly concerning in light of the concerns expressed by many regarding the return process for ballots mailed to all Vermonters.

I have said publicly if the General Assembly decided to remove me from this process, I would not stand in the way. For these reasons, I am letting S. 348 become law without my signature and I hope the General Assembly will correct the bill's flaws and ensure full and adequate oversight of the mail-in ballot program it has created upon return in August.

Sincerely,

/s/Philip B. Scott
Governor

PBS/kp

c: The Honorable Mitzi Johnson, Speaker of the House
The Honorable Tim Ashe, President Pro Tempore
The Honorable William MaGill, Clerk of the Vermont House of Representatives
The Honorable John Bloomer, Secretary of the Vermont Senate”

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the thirteenth day of July, 2020 he approved and signed bills originating in the Senate of the following titles:

S. 219. An act relating to addressing racial bias and excessive use of force by law enforcement.

S. 338. An act relating to justice reinvestment.

S. 339. An act relating to miscellaneous changes to laws related to vehicles.

S. 342. An act relating to temporary workers' compensation amendments related to COVID-19.