

H.969

An act relating to making appropriations for the support of government

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. A.100 SHORT TITLE

Appropriations Act.

Sec. A.101 PURPOSE

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

Sec. A.102 APPROPRIATIONS

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

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid from

funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.

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

Sec. A.102.1 RELATIONSHIP WITH 2020 ACTS AND RESOLVES

NO. 120; REPEALS

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government for the entirety of fiscal year 2021, and certain appropriations from 2020 Acts and Resolves No. 120 must be repealed as set forth in subsection (b) of this section in order to provide for the full-year appropriations.

~~(b) The following are repealed on October 1, 2020:~~

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

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

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

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

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

Sec. A.103 DEFINITIONS

(a) As used in this act:

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

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

(3) “Operating expenses” means property management; repair and maintenance; rental expenses; insurance; postage; travel; energy and utilities;

office and other supplies; equipment, including motor vehicles, highway materials, and construction; expenditures for the purchase of land and construction of new buildings and permanent improvements; and similar items.

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

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

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

Sec. A.105 OFFSETTING APPROPRIATIONS

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

Sec. A.106 FEDERAL FUNDS

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

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

Sec. A.107 NEW POSITIONS

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

Sec. A.108 LEGEND

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

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community</u>
	<u>Development</u>
<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>
<u>B.1000–B.1099 and E.1000–E.1099</u>	<u>Debt Service</u>
<u>B.1100–B.1199 and E.1100–E.1199</u>	<u>One-time and other appropriation</u>
	<u>actions</u>

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

Numbers inserted here

Sec. B.1100 FISCAL YEAR 2021 ONE-TIME GENERAL FUND

APPROPRIATIONS

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

(1) To the ~~Commission on Women~~ Agency of Administration: \$20,000 for a grant to the League of Women Voters of Vermont Education Fund to celebrate of the 19th amendment to the U.S. Constitution, ratified on August 18, 1920, guaranteeing that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

(2) To the ~~Agency of Commerce and Community Development~~ Department of Environmental Conservation: \$10,000 for a grant to the town of Chittenden the installation of one or more warning sirens that can be heard in the towns of Chittenden, Pittsford, Rutland Town, and Rutland City in the event that there is a breach of the Chittenden Reservoir.

(3) To the Attorney General: \$162,000 to fund diversion programs that have experienced reduced fee revenue as the result of the COVID-19 pandemic.

(4) To the Department of State's Attorneys and Sheriffs: ~~\$37,500~~ \$13,000 to augment federal grant funding that is reduced due to Vermont not having a specific statute in place.

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

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

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

(8) To the Natural Resources Board: \$30,000 for completion of Act 250 applications submitted on the new electronic database and application system.

the review of which were delayed due to issues related to the COVID-19 pandemic.

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

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

(11) To the Agency of Natural Resources: ~~\$586,000~~ \$450,000 for the purposes of the establishment of three (3) full-time limited service positions (to be determined), costs associated with providing administrative, technical and legal support, per diems, hiring consultants and experts and other necessary costs and expenses associated with implementation of H.688.

Sec. B.1100.1 FISCAL YEAR 2021 ONE-TIME TRANSPORTATION

FUND APPROPRIATIONS AND TRANSFERS

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

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

(4) To the University of Vermont: \$10,000,000 to address pandemic funding needs through December 2020. For the duration of the Governor's order, the University shall present to the House and Senate Appropriations and Education Committees, as well as the UVM community, 1) a full, specific quarterly

accounting of all funds appropriated and expended during the span of time covered by the Governor's emergency orders; and 2) the revenue-loss projections upon which the University's present and future budget cuts are premised, and how those projections bear out as actual data becomes available.

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

(6) To the Department of Disabilities, Aging, and Independent Living: \$565,000 to support the Meals on Wheels program and maintain the

reimbursement rates established during the pandemic through December 30, 2020. 100 percent of this appropriation shall be distributed directly to the organizations preparing and delivering the meals.

~~(7) To the Agency of Human Services: \$3,000,000 for grants to the designated and specialized services agencies providing mental health and developmental disability services to cover coronavirus necessitated training, information technology, PPE, and other expenses.~~

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

(9) To the Department of Health for the Vermont Recovery Network: ~~\$48,000~~ \$60,000 to be equally divided and granted directly to each of the 12 recovery centers for reimbursement of expenses incurred due to the COVID-19 pandemic. Each center shall be eligible for up to ~~\$4,000~~ \$5,000 reimbursement after submitting a list of expenses incurred that pertain to cleaning and social distancing efforts at the centers.

~~(10) To the Department of Health: The sum of \$1,000,000 for health equity and addressing health disparities as a supplement to the monies appropriated in 2020 Acts and Resolves No. 136, Sec. 8(a)(2).~~

~~(A) The Department shall use the funds for grants to community organizations selected pursuant to subsection (b) of this section to conduct~~

~~outreach to isolated individuals at high risk of adverse outcomes from the COVID-19 pandemic based on factors such as race or ethnicity, Native American heritage or tribal affiliation, nationality or immigrant status, sexual orientation, gender identity, disability, age, and geographic location. The grantees shall assess and identify the needs of these individuals during the COVID-19 public health emergency, and shall identify and address their difficulties in accessing COVID-19 testing and in safely meeting essential needs, including food, shelter, health care, and emotional support, during the public health emergency, in order to help them protect themselves and others from the disease and to prevent deaths by suicide and other negative effects of social isolation.~~

~~(B) The Department shall determine the community organizations best suited to carry out the duties set forth in subsection (a) of this section by soliciting from the entities described in subdivisions (i)–(xix) of this subdivision (B) recommendations of organizations that have members who are part of an affected population group, have prior demonstrated work with an affected population group, and have the ability to rapidly implement programming in response to unmet needs resulting from the COVID-19 public health emergency:~~

~~(i) Racial Justice Alliance;~~

~~(ii) NAACP;~~

~~(iii) Migrant Justice;~~

~~(iv) Outright Vermont;~~

~~(v) Pride Center of Vermont;~~

~~(vi) Vermont Center for Independent Living;~~

~~(vii) Vermont Psychiatric Survivors;~~

~~(viii) NAMI-VT;~~

~~(ix) Green Mountain Self-Advocates;~~

~~(x) Vermont Family Network;~~

~~(xi) AARP;~~

~~(xii) Community of Vermont Elders (COVE);~~

~~(xiii) Vermont Commission on Native American Affairs;~~

~~(xiv) Elnu Abenaki tribe;~~

~~(xv) Nulhegan Band of the Coosuk Abenaki Nation;~~

~~(xvi) Koasek Abenaki of the Koas;~~

~~(xvii) Missisquoi, St. Francis Sokoki Band;~~

~~(xviii) Vermont Council on Rural Development; and~~

~~(xix) other advocacy and service-related entities assisting or~~

~~comprising individuals at high risk of adverse outcomes from the COVID-19 pandemic based on factors such as race or ethnicity, Native American heritage or tribal affiliation, nationality or immigrant status, sexual orientation, gender identity, disability, age, and geographic location.~~

~~(C) The Department, in consultation with the entities listed in subdivision (B) of this subsection, shall identify population groups and geographic regions of the State that were not served by prior federal funding opportunities administered by the Agency of Human Services or its departments for COVID-19 response related purposes, such as LGBTQ youth, or that were only partially served and are still in need of assistance.~~

~~(D) The Department shall award grants to the community organizations it finds, upon recommendation of the entities listed in subdivision (B) of this subsection, as those best suited to provide outreach and assistance to the population groups most in need and to ensure that the services are available to affected populations in all regions of the State. (11) To the Department of Public Service: \$1,500,000 for grants to Communications Union Districts to support pole data collection surveys and pre-construction work to accelerate the construction of broadband networks.~~

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

(13) To the Vermont Housing Conservation Board: ~~\$4,000,000~~ \$2,250,000 for projects to address homelessness and reduce risk of community spread of the coronavirus.

(14) To the Agency of Commerce and Community Development for the Recreation Safety Grants: ~~\$5,000,000~~ is appropriated for grants to Vermont

~~ski area businesses to make necessary physical improvements to their facilities in order to mitigate public health and safety risks to the public due to the COVID-19 public health emergency.~~

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

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

(A) The funds awarded pursuant to this subdivision (16) are to:

(i) offer courses and workshops to upskill affected Vermonters in their current industry or reskill Vermonters who desire a change in their career path for more economic stability, ~~which may include training for Vermonters~~

to transition to the child care sector and business technical assistance for small businesses; and

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

(B) Any funds provided in this subdivision (16) that remain unencumbered as of November 15, 2020 shall revert to the Coronavirus Relief Fund and be appropriated to the Agency of Commerce and Community Development for grants pursuant to 2020 Acts and Resolves No. 137, Sec. 6.

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

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

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

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

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

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

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

* * *

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

* * *

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

(1) To be eligible for a grant under subsection (a) or (b) of this section, a business must meet the following eligibility criteria and comply with the guidelines adopted pursuant to ~~2020 Acts and Resolves No. 115 (S.350)~~ unless otherwise provided in this section, except that a business must demonstrate that it suffered a 50 percent or greater reduction in revenue due to the COVID-19 public health emergency and economic crisis in a monthly or quarterly period from March 1, 2020 to September 1, 2020 as compared to the same period in 2019 subdivision (4) of this subsection:

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

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

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

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

~~(B) Notwithstanding subdivision (2)(A) of this subsection, upon the Agency's request and demonstration of need, the Joint Fiscal Committee may approve additional grant funding to a business in excess of the maximum grant amount.~~

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

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

(5) The Agency shall:

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

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

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

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

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

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

* * *

(e) Prohibition on multiple sources of funding.

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

* * *

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

Sec. B.1102.1. ADDITIONAL UNEMPLOYMENT SUPPORT

(a) The amount of \$17,000,000.00 is appropriated from the Coronavirus Relief Fund to the Department of Labor to provide direct grants, subject to available funding, of not more than \$100.00 per week for not more than five weeks to Vermonters who received unemployment insurance benefits pursuant to 21 V.S.A. chapter 17 or Pandemic Unemployment Assistance pursuant to pursuant to the Coronavirus Aid, Relief, and Economic Security Act, Pub. L.

No. 116–136, § 2102, for one or more weekly benefit periods beginning on or after September 27, 2020.

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

Sec. B.1102.2 CONTINGENT BUSINESS GRANTS CRF

APPROPRIATION

(a) In fiscal year 2021, \$15,000,000 is appropriated from the Coronavirus Relief Fund to the Agency of Commerce and Community to increase the amount available for grants to businesses that have suffered economic harm due to COVID-19 as established in Acts and Resolves No. 137, Sec. 6 as amended by Sec. B.1102 of this act. This appropriation is contingent upon up to \$15,000,000 of funds pursuant to the \$75,000,000 and \$150,000,000 CRF allocations approved by the Joint Fiscal Committee on May 5, 2020, being identified by the Administration and reverted to the Coronavirus Relief Fund due to reassignment to other funding sources, including FEMA, Federal Pandemic Unemployment Assistance, or other federal funds, or determined to be expended at less than the approved amount.

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

* * * Telecommunications Related Amendments * * *

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

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

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

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

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

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

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

(a) The sum of ~~\$800,000.00~~ \$2,300,000.00 is appropriated to the COVID-Response Connected Community Resilience Program, a grant program to be

administered by the Commissioner of Public Service. The purpose of the Program is to fund recovery planning efforts of communications union districts, particularly with regard to accelerating their deployment schedules. Accelerated deployment is necessary in direct response to the COVID-19 public health emergency, which has caused communications union districts to rapidly reassess the connectivity needs in their respective service areas and to reevaluate their deployment objectives going forward, either independently or collaboratively. Conditions of the Program shall include the following:

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

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

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

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

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

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

(a) Reversion of remaining balance of Administration's CRF allocation.

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

~~(b) Use of reassigned or underexpended funds; report. On or before November 15, 2020, the Commissioner of Finance and Management shall report to the Joint Fiscal Committee regarding uses of the State's Coronavirus Relief Fund (CRF) monies identified by the Administration pursuant to the \$75,000,000 and \$150,000,000 CRF allocations from the Joint Fiscal Committee that are or may be eligible for reassignment to other funding sources including FEMA, Federal Pandemic Unemployment Assistance, or other federal funds, or have been recognized as having been expended at less than the approved amount. The first \$20,000,000 of reassigned or underexpended CRF monies identified in the report shall revert to the State's Coronavirus Relief Fund for reallocation in accordance with the appropriations~~

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

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

Sec. 2. MUNICIPAL EMERGENCY STATEWIDE EDUCATION

PROPERTY TAX BORROWING; ~~APPROPRIATION~~

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

Committee for the Committee's approval to make payments from the State's Coronavirus Relief Fund (CRF) monies remaining within the allocation subject to Committee approval or from CRF monies available in accordance with Sec. B.1108, B.1109, or B.1110 of this act.

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

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

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

(a) Purpose. As set forth in 2020 Acts and Resolves Nos. 120, 136, 137, and 138, unless otherwise authorized by the Commissioner of Finance and Management, any monies appropriated from the State's Coronavirus Relief Fund (CRF) shall revert to the CRF to the extent they have not been expended by December 20, 2020 to enable reallocation. In addition, CRF monies appropriated during the 2020 legislative session that are no longer necessary because funds have been received for the same or a similar purpose from another source may revert to the CRF for reallocation. The purpose of this section is to establish processes for allocating unobligated CRF monies and for

reallocating reverted CRF monies and any unexpended and unencumbered monies appropriated from the CRF that the Commissioner of Finance and Management identifies between the date of final legislative passage of the fiscal year 2021 budget bill and December 20, 2020 as being unable to be expended for their original purposes by December 30, 2020.

(b) Allocation and reallocation.

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

(2) If the Commissioner of Finance and Management identifies reverted CRF monies, unexpendable and unencumbered CRF monies, or unobligated CRF monies, or a combination of these, that the Commissioner wishes to reallocate for a use other than that for which the CRF monies were originally appropriated, or that the Commissioner wishes to allocate, in the case of unobligated CRF monies, the Commissioner shall inform the Joint Fiscal Committee of:

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

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

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

(3) Criteria for approval.

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

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

(C) Proposed uses.

(i) If the Committee determines that a proposed use likely complies with CRF parameters and is likely achievable by December 30, 2020, then, in light of the uncertainty regarding the continued effects of the COVID-

19 public health emergency, the Committee shall evaluate the proposed use in the context of the areas of greatest need at the time of the proposal.

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

(4) Joint Fiscal Committee process.

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

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

(5) Joint Fiscal Meetings.

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

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

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

Sec. B.1109 CONTINGENCY PLANNING FOR INCREASED CRF

FLEXIBILITY

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

(b) Expanded uses. If the federal government allows the State to use CRF monies for purposes previously not permitted under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance, but does not extend the period during which the monies must be expended, the Commissioner of Finance and Management shall inform the Joint Fiscal Committee and may propose additional uses of the CRF, which may include using unobligated CRF monies, previously allocated but unencumbered CRF monies that are unable to be expended by December 30, 2020, reverted CRF monies, or a combination of these, for Joint Fiscal Committee approval in accordance with the procedure set forth in Sec. 1108 of this act, including considering the areas of greatest need.

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

(1) If the Joint Fiscal Committee, after consultation with the Commissioner, determines that the extension would allow for the full General Assembly to consider additional uses of CRF monies during the 2021 legislative session, the Joint Fiscal Committee shall limit its approval of allocations and reallocations pursuant to Sec. B.1108 of this act to those for

which prompt action is necessary due to the time-sensitive nature of the proposed use or to the limited duration of the extension, or both.

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

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

Sec. B.1110 CONTINGENCY PLANNING FOR ADDITIONAL FEDERAL
FUNDING

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

(b) If the federal government provides additional Coronavirus Relief Fund (CRF) grant monies to Vermont following the date of final legislative passage of the fiscal year 2021 budget bill but prior to the convening of the 2021

legislative session, the monies shall be subject to the CRF acceptance conditions adopted by the Joint Fiscal Committee, as may be amended.

(c) If the federal government provides an increase of \$10,000,000.00 or more to an existing federal grant other than the CRF grant following the date of final legislative passage of the fiscal year 2021 budget bill but prior to the convening of the 2021 legislative session, the Secretary of Administration shall notify the Joint Fiscal Committee and the General Assembly of the grant award prior to exercising excess receipts authority.

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

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

* * * PreK – 12 Education Amendments * * *

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

Sec. A.50. PRE-K–12 EDUCATION PANDEMIC COSTS:

CORONAVIRUS RELIEF FUND APPROPRIATIONS

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

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

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

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

(c) Prekindergarten-12 schools.

(1) Public schools. The sum of ~~\$41,000,000~~ \$88,300,000 shall be granted for the purpose of reimbursing COVID-19 costs incurred by school districts. As used in this section, “school district” means a school district, as

defined in 16 V.S.A. § 11(11), or a regional career technical center school district, as defined in 16 V.S.A. § 1571. Of these funds, up to \$4,000,000 of the funds remaining from 2020 Acts and Resolves No. 136, Sec. 12 may be distributed by the Agency of Education to School Food Authorities and other Child Nutrition Program sponsors for the purchase of CARES Act eligible supplies and equipment, including vehicles, freezers, and other capital assets, necessary to provide meals to children using the federal child nutrition programs during the COVID-19 state of emergency. These funds are restricted to costs that exceed the federal per-meal reimbursement received for meals provided through these programs.

* * *

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

* * *

~~(d) Accounting and technical assistance. Up to \$1,000,000 shall be available to provide accounting and technical assistance to the supervisory~~

~~unions and school districts to fully identify COVID-19 expenses and accurately process these within the statewide accounting system. [Repealed.]~~

(d) If the appropriated CARES Act funding proves to be insufficient to cover all reimbursement requests, any costs for new pandemic expenses shall be fully covered to the extent that appropriated funds are available. If proration is necessary, it shall be on requests from school districts of repurposed expenses that freed up previously budgeted funds in fiscal year 2021.

* * *

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

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

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

* * *

Sec. B.1114 [Deleted]

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

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

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

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

Sec. B.1117 ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

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

(b) Notwithstanding any provision of law to the contrary, if a vacancy occurs on the board of a unified union school district and the vacancy is in a seat that is allocated to a specific town, the clerk of the unified union school district shall immediately notify the selectboard of the town. Within 30 days after the receipt of that notice, the unified union school district board, in

consultation with the selectboard, shall appoint a person who is otherwise eligible to serve as a member of the unified union school district board to fill the vacancy until an election is held at an annual or special meeting unless otherwise provided in accordance with the unified union school district's articles of agreement.

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

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

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

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

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

Sec. B.1120 PREKINDERGARTEN; TEACHERS; WAIVER

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

Sec. B.1120.1 TASK FORCE FOR UNIVERSAL AFTERSCHOOL

ACCESS; CREATION

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

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

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

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

(3) the Secretary of Education or designee;

(4) the Secretary of Human Services or designee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Meetings.

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

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

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

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

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

(g) Reimbursement.

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

(2) Members of the Task Force who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their

attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than six meetings.

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

* * * Healthcare Stabilization Grant Amendments * * *

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

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

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

* * *

(d) Specific allocations. Notwithstanding any provisions of this section to the contrary, of the funds appropriated in subsection (a) of this section, the Agency of Human Services shall make the following allocations for the following purposes:

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

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

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

(4) \$750,000.00 to the Department of Health for health equity and addressing COVID-19-related health disparities. The Department shall conduct outreach to Vermonters at high risk of adverse outcomes from the COVID-19 pandemic based upon factors such as race, ethnicity, Native American heritage or tribal affiliation, nationality or immigrant status, sexual orientation, gender identity, disability, age, geographic location, or English language proficiency. The Department shall customize the outreach to the higher risk Vermonters after consulting with community organizations with demonstrated experience working successfully with the particular population group. The outreach shall address the each population group's unique challenges, if any, in accession COVID-19 testing and in safely meeting essential needs, including food.

shelter, health care, and emotional support, during the public health emergency in order to protect themselves and others from COVID-19 and to prevent suicides and other negative effects of social isolation. The Department may contract for the outreach required by this subsection.

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

(e) Reports.

Sec. B.1121.1 2020 Acts and Resolves No. 136, Sec. 6 is amended to read:

Sec. 6. FRONT-LINE EMPLOYEES HAZARD PAY GRANT
PROGRAM

(a)(1) There is established in the Agency of Human Services the Front-Line Employees Hazard Pay Grant Program to administer and award grants to certain ~~public safety, public health, health care, and human services~~ employers whose employees were engaged in activities substantially dedicated to mitigating or responding to the COVID-19 public health emergency during the eligible period or were providing essential services to Vermonters.

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

(b) As used in this section:

(1) “Agency” means the Agency of Human Services.

(2)(A) “Covered employer” means an entity that employs one or more individuals in Vermont in relation to its operation of one of the following:

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

(ii) a nursing home as defined in 33 V.S.A. § 7102 and any

employer that a nursing home has contracted with for the provision of physical, speech, respiratory, or occupational therapy, provided that such an employer

shall only be permitted to receive a grant to provide hazard pay to its employees for therapy services provided in the nursing home;

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

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

§ 7102;

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

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

(vii) a homeless shelter, including a lodging establishment as defined in 18 V.S.A. § 4301, that, during the eligible period, provided temporary housing to homeless individuals pursuant to an agreement with the Department for Children and Families;

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

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

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

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

(xii) a morgue; ~~or~~

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

(xiv) a cleaning or janitorial service that provides cleaning or janitorial services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) in locations that are open to the general public or regularly used by the residents or patients of that covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided cleaning or janitorial services to another covered employer during the eligible period;

(xv) a food service provider that prepares and provides meals for residents or patients of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided food services to the residents or patients of a covered employer during the eligible period;

(xvi) a grocery store;

(xvii) a pharmacy;

(xviii) a retailer identified as essential in Sec. 6, paragraphs f and h of Addendum 6 to Executive Order 01-20, provided that, during the eligible period, the retail establishment was open to the general public for in-person sales;

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

(xx) a trash collection or waste management service;

(xxi) a child care facility as defined in 33 V.S.A. § 3511 that provided child care services to essential service providers pursuant to Directive 2 of Executive Order 01-20;

(xxii) a vocational rehabilitation service provider;

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

(xxiv) an agency licensed pursuant to 26 V.S.A. § 3172 that provides security services, as defined in 26 V.S.A. § 3151, to another covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided security services to another covered employer during the eligible period.

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * *

(C) “Eligible employee” does not include:

- ~~(i) an independent contractor or self-employed individual; or~~
- ~~(ii) an individual who has received unemployment insurance~~

benefits for any week during the eligible period.

* * *

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

* * *

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

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

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

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

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

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

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

* * *

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

* * *

~~(i)(1) The definition of “covered employer” set forth in subdivision (b)(2) of this section shall be deemed to include to the types of employers listed in subdivision (b)(2) of this subsection to the extent permitted by federal law and any applicable guidance if either of the following occurs:~~

~~(A) the permissible uses of monies in the Coronavirus Relief Fund pursuant to Sec. 5001 of the CARES Act, Pub. L. No. 116-136, as amended, and any related guidance are expanded to permit the payment of hazard pay to employees of some or all of the types of employers listed in subdivision (2) of this subsection (i); or~~

~~(B) a federal program that grants money directly to the State, which may be used to provide hazard pay to employees of some or all of the types of employers listed in subdivision (2) of this subsection (i), is enacted.~~

~~(2) The following types of employers may be deemed to be included within the definition of “covered employer” set forth in subdivision (b)(2) of this section if the requirements of subdivision (1) of this subsection are met:~~

~~(A) a grocery store;~~

~~(B) a pharmacy;~~

~~(C) a retailer identified as essential in Sec. 6, paragraphs f and h of addendum 6 to Executive Order 01-20, provided that, during the eligible period, the majority of the retail establishment was open to the general public for in-person sales rather than curbside pickup or delivery;~~

~~(D) a wholesale distributor making deliveries to a retailer described in subdivisions (A)–(C) of this subdivision (i)(2);~~

~~(E) a trash collection or waste management service;~~

~~(F) a janitorial service that provides cleaning or janitorial services to another covered employer;~~

~~(G) a child care facility as defined in 33 V.S.A. § 3511 that is providing child care services to essential service providers pursuant to Directive 2 of Executive Order 01–20;~~

~~(H) a vocational rehabilitation service provider; or~~

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

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

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

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

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

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

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

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

and information regarding how to apply for a grant pursuant to the provisions of subdivision (i)(1) of Sec. B.1121.1 of this act.

Sec. B.1121.3. DELEGATION OF ADMINISTRATIVE
RESPONSIBILITIES

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

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

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

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

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

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

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

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

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

(b) Once the Department has determined how the appropriation set forth in this section shall be distributed, but not later than August 18, 2020, it shall report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare regarding how the funds are to be distributed across programs.

* * *

* * * Economic Stimulus Equity Program * * *

Sec. B.1122 VERMONT CORONAVIRUS ECONOMIC STIMULUS

EQUITY PROGRAM

(a) Definitions. As used in this section:

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

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

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

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

(5) “Personally identifiable information” means an individual’s:

(A) name;

(B) address;

(C) date of birth;

(D) place of birth;

(E) immigration status;

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

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

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

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

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

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

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

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

(A) is a resident of Vermont;

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

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

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

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

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

(c) Administration of Program.

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

(2) The Agency shall adopt requirements, guidelines, or procedures as necessary to implement and administer the Program. When the Agency adopts requirements, guidelines, or procedure under this subdivision, it shall consider how to disperse payments to applicants who lack banking services or a mailing address to which a payment may be sent. The Agency shall not be required to

initiate rulemaking pursuant to 3 V.S.A. § 831(c) in relation to any requirement, guideline, or procedure that is adopted or issued in relation to the Program.

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

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

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

(f) Protection of personally identifiable information. The Agency shall ensure that any entity of State government performing a function of the

Program or any entity that the Agency contracts with to perform a function of the Program:

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

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

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

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

(g) Reports.

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

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

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

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

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

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

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

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

* * * Agricultural Amendments * * *

Sec. B.1124 AGRICULTURE CRF ASSISTANCE PROGRAMS;

APPLICATION DEADLINES

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

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

Sec. 8. EDUCATION AND OUTREACH; AGRICULTURAL

ASSISTANCE PROGRAMS; REPORTING; REVERSION

* * *

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

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

and

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

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

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

Sec. B.1126 AGRICULTURE CRF ASSISTANCE PROGRAMS;

APPLICATION PROCESSING; REVERSION

(a) The Secretary of Agriculture, Food and Markets shall process all applications for Coronavirus Relief Fund assistance received prior to the

effective date of this act in the order the application was received. Applicants who submitted applications prior to the effective date of this act shall not be required to refile an application.

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

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

(2) It is the intent of the General Assembly that a sole proprietor that applies for Coronavirus Relief Fund assistance from the Agency of

Agriculture, Food and Markets shall not be disqualified from receiving an award because the sole proprietor has not filed a W-2 form in the 2018 or 2019 taxable year.

Sec. B.1127 FARMERS' MARKETS; RELIEF ASSISTANCE

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

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

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

established by the Agency of Agriculture, Food and Markets. The Agency of Agriculture, Food and Markets shall award grants under this section equitably to all eligible farmers' markets in the State, provided that the maximum amount of an award under this section shall be \$2,000.00.

Allocations Transfer and Reserves

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

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

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

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

(A) The dedication of \$2,500,000 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the affordable housing bond (10 V.S.A. § 314) is to be offset by the reduction of \$1,500,000 in the appropriation to the Vermont Housing and Conservation Board and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2021 appropriation of \$10,580,695 to VHCB reflects the \$1,500,000 reduction and a one-time 3 percent reduction to their base appropriation and the addition of \$100,000 to support the cost of technical assistance for writing grants. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, the \$1,500,000 reduction in the appropriation to VHCB is intended to be restored.

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

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

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

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

Sec. D.100.1 CARRY FORWARD AUTHORITY

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

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

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

Sec. 30 APPLICATION OF FISCAL YEAR 2020 DEFERRED TAX
PAYMENTS COLLECTED IN FISCAL YEAR 2021

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

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

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

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

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

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

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

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

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

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

(3) From the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund established by 24 V.S.A. § 2796 to be used

by the Vermont Downtown Development Board for the purposes of the Fund:
\$523,966.

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

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

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

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

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

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to

the General Fund. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its next meeting following the final amounts being transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

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

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

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

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

<u>1100891701</u>	<u>AOA – Security Improvements</u>	<u>597.25</u>
<u>1105500000</u>	<u>Comm & Info Technology</u>	<u>23,186.10</u>
<u>1110003000</u>	<u>Budget & Management</u>	<u>100,000.00</u>

<u>1120020000</u>	<u>Tuition Assistance Program</u>	<u>158,596.48</u>
<u>1130030000</u>	<u>Department of Libraries</u>	<u>83,465.46</u>
<u>1140010000</u>	<u>Tax Operation Costs</u>	<u>147,169.75</u>
<u>1140040000</u>	<u>Homeowner Rebates</u>	<u>970,887.77</u>
<u>1140060000</u>	<u>Reappraisal & Listing Payments</u>	<u>274,918.00</u>
<u>1140070000</u>	<u>Use Tax Reimbursement Program</u>	<u>100,858.00</u>
<u>1150500000</u>	<u>BGS Purchasing</u>	<u>190,861.33</u>
<u>1210002000</u>	<u>Legislature</u>	<u>350,000.00</u>
<u>1220000000</u>	<u>Joint Fiscal Office</u>	<u>25,000.00</u>
<u>1240001000</u>	<u>Lieutenant Governor</u>	<u>4,577.90</u>
<u>1250010000</u>	<u>Auditor of Accounts</u>	<u>98,067.65</u>
<u>1260010000</u>	<u>Treasurer</u>	<u>50,756.00</u>
<u>2100001000</u>	<u>Attorney General</u>	<u>285,007.00</u>
<u>2100891701</u>	<u>Tobacco Master Settlement –</u>	
	<u>Diligent enforcement</u>	<u>68,161.12</u>
<u>2110000100</u>	<u>Public Defense</u>	<u>100,000.00</u>
<u>2110010000</u>	<u>Assigned Counsel</u>	<u>5.93</u>
<u>2120000000</u>	<u>Judiciary</u>	<u>1,415,000.00</u>
<u>2130100000</u>	<u>State’s Attorneys</u>	<u>386,007.96</u>
<u>2130200000</u>	<u>Sheriffs</u>	<u>498,806.86</u>
<u>2130400000</u>	<u>Special investigative unit</u>	<u>42,839.13</u>

<u>2140010000</u>	<u>DPS – State Police</u>	<u>209,538.68</u>
<u>2140030000</u>	<u>DPS – Emergency Management</u>	<u>18,698.43</u>
<u>2150010000</u>	<u>Military – administration</u>	<u>986,987.68</u>
<u>2200030000</u>	<u>Ag Development Division</u>	<u>50,000.00</u>
<u>2280001000</u>	<u>Human Rights Commission</u>	<u>32,510.44</u>
<u>3150070000</u>	<u>Mental Health</u>	<u>438,632.00</u>
<u>3150891902</u>	<u>DMH – Critical Access Hospitals</u>	<u>16,802.23</u>
<u>3310000000</u>	<u>Commission on Women</u>	<u>9,315.16</u>
<u>3310891801</u>	<u>VCW – Sexual Harass Public Outreach</u>	<u>20,794.35</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>304,288.84</u>
<u>3400001000</u>	<u>Secretary’s Office Admin Costs</u>	<u>456,648.67</u>
<u>3400004000</u>	<u>Global Commitment</u>	<u>6,451,752.42</u>
<u>3400010000</u>	<u>Human Services Board</u>	<u>25,000.00</u>
<u>3400891804</u>	<u>AHSCO – Medicaid Financial Require</u>	<u>693,332.98</u>
<u>3400891902</u>	<u>AHSCO – Elec Med/Health Records Syst</u>	<u>36,106.00</u>
<u>3410010000</u>	<u>DVHA – Administration</u>	<u>17,409.43</u>
<u>3410017000</u>	<u>DVHA – Programs - State Only</u>	<u>0.35</u>
<u>3480001000</u>	<u>Department of Corrections – Administration</u>	<u>171,141.94</u>
<u>3420021000</u>	<u>Department of Health – Public Health</u>	<u>611,354.34</u>
<u>3420060000</u>	<u>Department of Health – ADAP</u>	<u>256,286.12</u>
<u>3440010000</u>	<u>Department for Children & Families –</u>	

	<u>Admin & Support Services</u>	<u>2,340,774.40</u>
<u>3440050000</u>	<u>Department for Children & Families –</u>	
	<u>AABD</u>	<u>74,877.24</u>
<u>3440060000</u>	<u>Department for Children & Families –</u>	
	<u>General Assistance</u>	<u>1,005,971.77</u>
<u>3440080000</u>	<u>Department for Children & Families –</u>	
	<u>Reach Up</u>	<u>601,823.99</u>
<u>3440120000</u>	<u>Department for Children & Families –</u>	
	<u>Woodside</u>	<u>435,335.04</u>
<u>3460010000</u>	<u>DAIL – Administration</u>	<u>300,000.14</u>
<u>3480001000</u>	<u>Department of Corrections – Administration</u>	<u>171,141.94</u>
<u>3480002000</u>	<u>Department of Corrections – Parole Board</u>	<u>23,571.32</u>
<u>3480003000</u>	<u>Department of Corrections – Education</u>	<u>58,556.50</u>
<u>3480004000</u>	<u>Department of Corrections –</u>	
	<u>Correctional Services</u>	<u>4,885,587.79</u>
<u>3480006000</u>	<u>Department of Corrections –</u>	
	<u>Out of State Beds</u>	<u>109,339.10</u>
<u>4100500000</u>	<u>Department of Labor</u>	<u>200,000.00</u>
<u>5100010000</u>	<u>Agency of Education – Administration</u>	<u>91,312.39</u>
<u>5100060000</u>	<u>Agency of Education – Adult Basic Education</u>	<u>14,497.00</u>
<u>5100070000</u>	<u>Agency of Education – Education Services</u>	<u>123,118.58</u>

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

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

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

Total 13,960,950

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

3400891802 Invest Substance Use Treat 2,000,000

(d) In fiscal year 2021, the following General Fund reserves shall be made:

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

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

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

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

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

Sec. 282 TAX COMPUTER SYSTEM MODERNIZATION FUND

(a) Creation of fund.

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

* * *

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

* * *

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

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

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

2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.111.1, and as further amended by 2019 Acts and Resolves No. 6, Sec. 102. This appropriation shall carryforward through fiscal year ~~2022~~ 2025.

* * * GENERAL GOVERNMENT * * *

Sec. E.100 EXECUTIVE BRANCH POSITIONS

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

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

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

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

~~§ 1389b – CLEAN WATER FUND AUDIT TIMELINE~~

(a) On or before January 15, ~~2024~~ 2023, the Secretary of Administration shall submit to the House and Senate Committees on Appropriations, the Senate Committee on Finance, the House Committee on Ways and Means, the Senate Committee on Agriculture, the House Committee on Agriculture and Forestry, the Senate Committee on Natural Resources and Energy, and the

House Committee on Natural Resources, Fish, and Wildlife a program audit of the Clean Water Fund. The audit shall include:

* * *

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

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

* * *

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

Sec. E.111 Tax – administration/collection

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

* * * Tax Increment Financing Districts * * *

Sec. E. 111.1. TAX INCREMENT FINANCING DISTRICTS; DEBT
INCURRENCE PERIODS; EXTENSIONS

(a) Notwithstanding any other provision of law, the period to incur indebtedness is extended for the following tax increment financing districts:

(1) The Barre City Downtown Tax Increment Financing District is extended to March 31, 2023.

(2) The Bennington Downtown Tax Increment Financing District is extended to March 31, 2028.

(3) The Burlington Downtown Tax Increment Financing District is extended to March 31, 2022.

(4) The three properties located within the Burlington Waterfront Tax Increment Financing District at 49 Church Street and 75 Cherry Street, as designated on the City of Burlington's Tax Parcel Maps as Parcel ID# 044-4-004-000, Parcel ID# 044-4-004-001, and Parcel ID# 044-4-033-000, is extended to June 30, 2022; provided, however, that the extension of the period to incur indebtedness is subject to the City of Burlington's submission to the Vermont Economic Progress Council on or before June 30, 2022 of an executed construction contract with a completion guarantee by the owner of the parcels evidencing commitment to construct not less than \$50 million of private development on the parcels.

(5) The Montpelier Tax Increment Financing District is extended to March 31, 2029.

(6) The South Burlington Tax Increment Financing District is extended to March 31, 2023.

(7) The St. Albans City Downtown Tax Increment Financing District is extended to March 31, 2023.

(b) This section does not:

(1) extend any period that the municipal or education tax increment may be retained by the tax increment financing districts listed in subsection (a) of this section.

(2) amend any other tax increment financing requirements set forth in 24 V.S.A. chapter 53, subchapter 5; 32 V.S.A. § 5404a; or the TIF District Rule adopted in May 2015, applicable to the tax increment financing districts listed in subsection (a) of this section.

Sec. E. 111.2 2013 Acts and Resolves No. 80, Sec. 18, as amended by 2016 Acts and Resolves No. 134, Sec. 9a, is further amended to read:

Sec. 18. BURLINGTON WATERFRONT TIF

(a) The authority of the City of Burlington to incur indebtedness for its waterfront tax increment financing district is hereby extended for five years beginning January 1, 2015; provided, however, that the City is authorized to extend the period to incur indebtedness for 6.5 years beginning on January 1,

2015 for three properties located within the waterfront tax increment financing district at 49 Church Street and 75 Cherry Street, as designated on the City's Tax Parcel Maps as the following:

- (1) Parcel ID# 044-4-004-000;
- (2) Parcel ID# 044-4-004-001;
- (3) Parcel ID# 044-4-033-000.

* * *

~~(c) The extension of the period to incur indebtedness for the specific parcels in subdivision (a)(1) (3) of this section is subject to the City of Burlington's submission to the Vermont Economic Progress Council of an executed construction contract with a completion guarantee by the owner of the parcels evidencing commitment to construct not less than \$50 million of private development on the parcels.~~

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

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

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

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

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

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

(a) Notwithstanding 32 V.S.A. § 5884(a), after April 15, 2020 and on or before July 15, 2020, the Commissioner of Taxes shall accept a taxpayer's petition for refund with respect to income tax returns filed for the taxable year 2016. If the Commissioner determines that the taxpayer has paid an amount of income tax under 32 V.S.A. chapter 151 that, as of the date of the determination, exceeds the amount of tax liability owing from the taxpayer to the State, the 8 Commissioner shall forthwith refund the excess amount to the taxpayer 9 together with interest pursuant to 32 V.S.A. § 5884(b).

Sec. E.111.6 EFFECTIVE DATES; SECS. E.111.3–E.111.5 11

(a) Notwithstanding 1 V.S.A. § 214, Sec. E.111.3 and E.111.4 (annual link 12 to federal statutes) shall take effect retroactively on January 1, 2020 and apply to taxable years beginning on and after January 1, 2019.

(b) Notwithstanding 1 V.S.A. § 214, Secs. E.111.5 (TY 2016 refunds) shall 15 take effect retroactively on April 15, 2020.

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

Beginning on October 1, 2020, the Department of Buildings and General Services shall only purchase, lease, or acquire electric lawnmowers, leaf

blowers, and trimmers, provided a functional equivalent electric product is available.

Sec. E.125 LEGISLATIVE COUNCIL RESTRUCTURING

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

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

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

reviewed and approved through traditional transfer approval processes by the Secretary of Administration and shall be reported by the Joint Fiscal Office to the Joint Legislative Management Committee and the Commissioner of Finance and Management.

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

(a) Notwithstanding the provisions of 2 V.S.A. § 1 (place of holding sessions) that require the sessions of the General Assembly to be held in the State House in Montpelier, if the COVID-19 global pandemic necessitates a departure from the customary convening and organizing procedures of either chamber of the General Assembly, the Rules Committee of the respective chamber shall, not later than December 31, 2020, adopt alternative procedures to allow for the safe and orderly convening and organizing of the chamber for the 2021-22 legislative biennium, and shall notify as soon as practicable the members-elect and, as applicable, the Lieutenant Governor or the Secretary of State. The House and Senate Rules Committees may also adopt draft temporary rules to be considered for adoption on the day of organization to address all subsequent meetings of committees or the full chamber. The Joint Rules Committee may adopt draft temporary joint rules to be considered for

adoption on the day of organization to address the manner of conducting joint assemblies.

~~(a) Notwithstanding the provision of 2 V.S.A. § 1 (place of holding sessions) that require the sessions of the General Assembly to be held in the State House in Montpelier, for the 2021-2022 legislative biennium:~~

~~(1) The House shall convene and organize and may thereafter hold sessions at the Barre Auditorium or remotely, or both.~~

~~(2) The Senate shall convene and organize and may thereafter hold sessions in a location or manner that it determines.~~

~~(3) In addition, after convening and organizing, the chambers may hold sessions as they may by rule, joint rule, or resolution provide.~~

~~(b) Notwithstanding the provisions of subsection (a) of this section, if a majority of a chamber's members of the Joint Legislative Management Committee subsequently determines that the alternate means of convening and organizing the chamber described in subdivision (a)(1) or (2) will jeopardize the public health, safety, or welfare, a majority of that chamber's members of the Joint Legislative Management Committee may vote to require that chamber of the 2021-22 biennium to instead convene and organize in a substitute location or manner, and if that substitute location or manner is thereafter approved by the Joint Legislative Management Committee, that chamber of the 2021-22 biennium shall instead convene and organize in that substitute~~

~~location or manner. In this case, the Joint Legislative Management Committee shall notify as soon as practicable the Secretary of State, Lieutenant Governor, and members elect.~~

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

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

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

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

(a) Notwithstanding the provisions of 29 V.S.A. § 165 and any other provision of law to the contrary, the Legislative Branch shall have exclusive

use of the following locations during the 2021–22 legislative biennium in order to perform its constitutional duties:

(1) 133 State Street:

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

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

(C) Fourth Floor: board room.

(D) Fifth Floor: entire floor.

(2) 109 State Street:

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

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

(C) Fourth floor: conference room.

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

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

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

~~Sec. E.126.4. CAPITOL COMPLEX SPACE NEEDS ASSESSMENT AND~~

~~PLAN; REPORT~~

~~(a) The Commissioner of Buildings and General Services shall develop a long-term space needs assessment and a long-term space plan for the Capital~~

~~Complex, as defined in 29 V.S.A. § 182, that addresses the needs of the Legislative, Judicial and Executive branches. As part of the space plan development process, the Commissioner shall work with the Court Administrator, the Speaker of the House, the Senate President Pro Tempore, the majority and minority leaders, and any legislative staff, as may be appointed by the Joint Legislative Management Committee.~~

~~(b) On or before March 30, 2021 the Commissioner shall deliver a report of findings and recommendations to the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Institutions.~~

E. 126.4 BODY CAMERAS

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

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

(1) Joint Fiscal Committee: \$600,000 is appropriated to the Legislative Joint Fiscal Committee for use or transfer to appropriation units within the General Assembly as necessary to reimburse eligible fiscal year 2020 and 2021 expenditures. The transfers shall be reviewed and approved through traditional transfer approval processes by the Secretary of Administration. The Joint

Fiscal Office shall provide a list of the COVID-19 expenditures funded by this appropriation and related documentation and transfers to other legislative departments to the Joint Legislative Management Committee, the Joint Fiscal Committee, and the Commissioner of Finance and Management ~~on or before~~ ~~July 30, 2020~~.

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

§ 168. SINGLE AUDIT REVOLVING FUND

(a)(1) The Single Audit Revolving Fund is established within the State Treasury, to be administered by the Auditor of Accounts, from which payments may be made for the costs of audits performed pursuant to ~~subdivision~~ subdivisions 163(1) and (2) of this subchapter and 24 V.S.A. § 290b.

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

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

(b)(1) The Auditor of Accounts shall charge the State department, agency, commission, instrumentality, political subdivision, or State-created authority audited for the direct and indirect costs of an audit performed pursuant to

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

§ 290b.

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

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

§ 290b. AUDITS

* * *

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

(d) Annually, each sheriff shall furnish the Auditor of Accounts on forms provided by the Auditor a financial report reflecting the financial transactions and condition of the sheriff's department. The sheriff shall submit a copy of this report to the assistant judges of the county. The assistant judges shall prepare a report reflecting funds disbursed by the county in support of the sheriff's department and forward a copy of their report to the Auditor of

Accounts. The Auditor of Accounts shall compile the reports and submit one report to the House and Senate Committees on Judiciary. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the required report to be made under this subsection.

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

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

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

Sec. E.131 CAPITAL DEBT AFFORDABILITY ADVISORY

COMMITTEE; CALENDAR YEAR 2020 ANNUAL REPORT

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

Sec. E.133 Vermont state retirement system

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

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

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

Sec. E.142 Payments in lieu of taxes

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

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

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

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

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

* * * PROTECTION TO PERSONS AND PROPERTY * * *

Sec. E.200 Attorney general

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

(b) Of the revenue available to the Attorney General under 9 V.S.A.

§ 2458(b)(4), \$1,390,500 is appropriated in Sec. B.200 of this act.

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

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

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

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

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

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

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

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

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

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

Sec. C.106 CHINS CASES SYSTEM-WIDE REFORM

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

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

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

* * *

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

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

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

* * *

Sec. E.209 Public safety – state police

(a) Of this appropriation, \$35,000 in special funds shall be available for snowmobile law enforcement activities and \$35,000 in general funds shall be available to the Southern Vermont Wilderness Search and Rescue Team, which

comprises State Police, the Department of Fish and Wildlife, county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

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

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

§ 1818. EQUIPMENT OF OFFICERS WITH VIDEO RECORDING

DEVICES

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

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

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

The Department of Public Safety shall immediately initiate the acquisition and deployment of video recording devices to comply with the requirements of 20 V.S.A. § 1818. The ongoing costs of the devices that cannot be accommodated within the Department's budget shall be included in the Department's FY21 budget proposal to the General Assembly in August of 2020. The Department shall complete the deployment of video recording devices in accordance with the requirements of 20 V.S.A. § 1818 on or before March 31, 2021.

Sec. E.209.3 VIDEO RECORDING DEVICE: REPEAL

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

Sec. E.212 Public safety – fire safety

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

Sec. E.215 Military – Administration

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

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

Sec. E.215.1 VERMONT NATIONAL GUARD TUITION BENEFIT

PROGRAM; COVID-19

(a) Findings and purpose.

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

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

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

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

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

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

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

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

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

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

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

Sec. E.219 Military – Veterans' Affairs

(a) Of this appropriation, \$1,000 shall be used for continuation of the Vermont Medal Program; \$4,800 shall be used for the expenses of the Governor's Veterans' Advisory Council; \$7,500 shall be used for the Veterans' Day parade; \$5,000 shall be used for the Military, Family, and Community

Network; and \$10,000 shall be granted to the American Legion for the Boys' State and Girls' State programs.

Sec. E.220 Center for crime victim services

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

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

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

* * * Renewal of Alcoholic Beverage Licenses * * *

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

§ 205. TERMS OF PERMITS, LICENSES, AND CERTIFICATES

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

* * *

Sec. E.237.2 TRANSITIONAL PROVISION; STAGGERED LICENSE
RENEWAL

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

* * * HUMAN SERVICES * * *

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

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

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

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

Sec. E.300.2 FUNDING FOR SPRINGFIELD BANKRUPTCY
SETTLEMENT

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

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

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

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

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

Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A.

§ 2959a.

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

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

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

Sec. E.301.2 GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER;

REPORT

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

this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

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

Sec. A24.a GLOBAL COMMITMENT WAIVER AMENDMENT

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

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

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

Sec. E.306 VERMONT HEALTH BENEFIT EXCHANGE RULES

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

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

§ 1999. CONSUMER PROTECTION RULES; PRIOR AUTHORIZATION

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

(2)(A) The Program shall authorize coverage under the same terms as coverage for preferred choice drugs if the prescriber determines, after consultation with the pharmacist, or with the participating health benefit plan if

required by the terms of the plan, that one or more of the following
circumstances apply:

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

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

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

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

* * *

(c) ~~For HIV and AIDS related medications used by individuals with HIV~~
~~or AIDS, the preferred drug list and any utilization review procedures shall not~~

~~be more restrictive than the drug list and the application of the list used for the State of Vermont AIDS Medication Assistance Program. [Repealed.]~~

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

* * *

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

§ 4089i. PRESCRIPTION DRUG COVERAGE

* * *

(h)(1) A health insurance or other health benefit plan offered by a health insurer or pharmacy benefit manager shall limit a beneficiary's total out-of-pocket responsibility for prescription insulin medications to not more than \$100.00 per 30-day supply, regardless of the amount, type, or number of insulin medications prescribed for the beneficiary.

(2) The \$100.00 monthly limit on out-of-pocket spending for prescription insulin medications set forth in subdivision (1) of this subsection shall apply regardless of whether the beneficiary has satisfied any applicable deductible requirement under the health insurance or health benefit plan.

(i) As used in this section:

* * *

(7) “Prescription insulin medication” means a prescription medication that contains insulin and is used to treat diabetes.

(j) The Department of Financial Regulation shall enforce this section and may adopt rules as necessary to carry out the purposes of this section.

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2021 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated according to an RFP process.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by State general funds.

(3)(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with

persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of not less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2021, the Department of Health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including syringe exchange programs; improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. Not more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of

Health and the Vermont AIDS service organizations and other Vermont
HIV/AIDS prevention providers.

(5) In fiscal year 2021, the Department of Health shall provide grants in
the amount of \$150,000 in general funds to Vermont AIDS service
organizations and other Vermont HIV/AIDS prevention providers for syringe
exchange programs. The method by which these prevention funds are
distributed shall be determined by mutual agreement of the Department of
Health, the Vermont AIDS service organizations, and other Vermont
HIV/AIDS prevention providers. The performance period for these grants will
be State fiscal year 2021. Grant reporting shall include outcomes and results.

~~Sec. E.314 INTEGRATED MENTAL HEALTH BUDGET; BUDGET~~

~~===== TRANSFER FROM DEPARTMENT OF MENTAL HEALTH TO
===== DEPARTMENT OF VERMONT HEALTH ACCESS~~

~~(a) The legislative budget process is an essential structural component of
ensuring that the State is supporting the principle of fully integrating mental
health into the health care system. The separation of Medicaid mental health
expenditures between the Department of Vermont Health Access's and the
Department of Mental Health's proposed budgets is an obstacle to achieving
the General Assembly's mental health reform principle of "ensuring equal
access to appropriate mental health care in a manner equivalent to other~~

~~aspects of health care as part of an integrated, holistic system of care," as
codified in 18 V.S.A. § 7251(4).~~

~~(b) The Agency of Human Services and the Departments of Mental Health
and of Vermont Health Access shall integrate public funding for inpatient
mental health care services to the extent feasible with the funding for other
health care services within the Department of Vermont Health Access budget.
Federal funding requirements shall be adhered to and the Departments shall
establish oversight, utilization review, care management, and data collection
responsibilities based on statutory and legal custodial obligations and
responsibilities. This integrated funding shall begin in fiscal year 2023, with a
plan for integrated funding provided to the General Assembly on or before
April 15, 2021.~~

~~Sec. E.314.1 MENTAL HEALTH BUDGET PRESENTATION; FISCAL
YEAR 2022~~

~~(a) In anticipation of the fiscal year 2023 budget realignment, the
Departments of Mental Health and of Vermont Health Access shall provide a
report on caseload, expenditures, and utilization as part of their fiscal year
2022 budget presentation, identifying the budget categories incorporated into
each Department's budget for inpatient services by the following funding
categories, including any subdivision between persons served by the
community rehabilitation and treatment program:~~

~~(1) the State-run inpatient hospital;~~

~~(2) Level 1 inpatient psychiatric services delivered in private hospitals;~~

~~(3) other involuntary inpatient psychiatric services; and~~

~~(4) voluntary inpatient psychiatric services.~~

~~(b) The Departments' fiscal year 2022 budget presentations shall also include any implementation recommendations to achieve integrated funding in accordance with Sec. E.314(b) of this act.~~

~~Sec. E.314.2 MENTAL HEALTH OUTREACH; STATEWIDE SCALE;~~

~~DEPARTMENT OF MENTAL HEALTH; DEPARTMENT OF~~

~~PUBLIC SAFETY~~

~~(a)(1) The sum of \$525,000.00 is appropriated from the General Fund to the Department of Mental Health in fiscal year 2021 for collaboration with the Department of Public Safety and other stakeholders, including individuals with lived experience of a mental health condition or psychiatric disability and those whose identities cause them to experience additional marginalization, in expanding regional models that strengthen partnerships between law enforcement, mental health, and social services through clinical staff positions that address crisis response to mental health emergencies. The purpose of the program is to enhance the ability statewide to provide safe, appropriate crisis responses that reduce involvement of law enforcement when those supports are not necessary for public safety, and that ensure strong coordination when those~~

~~supports are necessary, and to improve access to services and supports for individuals with mental health needs in the community.~~

~~(2) To the extent possible, in hiring individuals to carry out the purposes of this section, the designated and specialized service agencies providing the services shall give priority to qualified individuals with lived experience of mental illness.~~

~~(b) On or before November 15, 2020, the Departments of Mental Health and of Public Safety shall provide a status report to the Health Reform Oversight Committee and the Joint Legislative Justice Oversight Committee on the plans for implementing the program set forth in subsection (a) of this section, including:~~

~~(1) the memoranda of understanding with designated and specialized service agencies;~~

~~(2) the partners and stakeholders involved in planning the program;~~

~~(3) the geographic locations identified for new clinical staff resource coverage; and~~

~~(4) the physical location for planned staffing.~~

~~(c)(1) The Department of Mental Health shall coordinate further development of a cohesive, statewide approach to mental health emergencies and emergency calls, under the leadership of impacted communities and in collaboration with the Department of Public Safety, designated and specialized~~

~~service agencies, and the Department of Mental Health's standing committees for adult and children's mental health. The approach shall be consistent with the Department's 10-Year Vision.~~

~~(2) On or before March 15, 2021, the Department shall report its progress in developing a cohesive, statewide approach to mental health emergencies to the House Committee on Health Care and to the Senate Committee on Health and Welfare.~~

Sec. E.314.2 MENTAL HEALTH CRISIS SERVICES; DATA

COLLECTION

(a) The Director of Racial Equity, in collaboration with the Mental Health Crisis Response Commission and the Departments of Mental Health and of Public Safety, shall explore strategies for collecting data related to persons accessing emergency services related to a mental health crisis. The Director shall solicit recommendations from persons with lived experience of a mental health condition or psychiatric disability and members of other impacted communities, including those communities experiencing inequities or marginalization, such as racial discrimination, that expose them to additional risks from unnecessary law enforcement or mental health system interventions.

(b)(1) The Director, in collaboration with the Mental Health Crisis Response Commission and the Departments of Mental Health and of Public Safety and in consultation with persons with lived experience and members of

other impacted communities, shall examine how to collect the following types of data in a manner that comports with the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d-5 and 1320d-6, and ensures best clinical practice:

(A) the number of 911 calls received by category that are related to an individual's medical condition, mental or emotional condition, developmental or intellectual disability, or substance use, or any combination thereof;

(B) the race of the individuals that are the subject of a 911 call;

(C) the number and race of individuals referred to the Department of Mental Health or arrested for a misdemeanor or felony, or both, or where no subsequent action was taken;

(D) the number of referrals received by the Department of Mental Health from State law enforcement agencies;

(E) the race of individuals referred to the Department of Mental Health by State law enforcement agencies;

(F) the number of individuals referred to the Department of Mental Health by State law enforcement agencies who are already a client of a designated or specialized service agency; and

(G) the disposition of a referral to the Department of Mental Health, by race, including whether the individual was referred for mental health or

substance misuse services, regardless of whether action was taken by the Department or the individual was referred to another State agency.

(2) The Director shall also examine and make recommendations regarding how to store data securely and make aggregated data available to the public.

(c) On or before September 1, 2021, the Director shall report the recommendations developed pursuant to this section to the House Committee on Health Care and to the Senate Committee on Health and Welfare, including the extent to which the information collected may inform the data available through the dashboard established pursuant to Sec. B.1121(d)(4)(A) of this act.

Sec. E.316 LONG-TERM PLAN FOR JUSTICE-INVOLVED YOUTHS

(a) On or before November 15, 2020 the Agency of Human Services shall submit to the Joint Legislative Child Protection Oversight Committee, the Joint Legislative Justice Oversight Committee, the Senate Committee on Judiciary, and the House Committee on Human Services a long-term plan for Vermont youth who have historically been served by Woodside Juvenile Rehabilitation Center that; notwithstanding 2020 Acts and Resolves No. 120, Sec. A.29, is anticipated to cease operations in October 2020. The plan shall:

(1) adequately fund alternative programs and placements for youths served by Woodside, including those programs and placements that currently

accept justice-involved youths who present a risk of injury to themselves, to others, or to property; and

(2) provide placements for all youths under 18 years of age who are in the custody of the Department of Corrections, and who have historically been placed at Woodside Juvenile Rehabilitation Center instead of a Department of Corrections facility pursuant to the memorandum of understanding between the two departments.

(b) On or before December 15, 200, the Agency of Human Services shall, in consultation with the Joint Fiscal Office, compare the costs, including available federal matching funds, associated with contracting with Becket Family Services of New Hampshire (Becket) or another provider of youth treatment and services to operate a youth treatment facility in Vermont with the costs associated with the State operating a youth treatment facility. The cost comparison shall include an evaluation of any construction and renovation costs necessary for a facility operated by Becket or another provider or the State. In the comparative cost analysis, the “no reject/no eject” service capacity need shall be included for both the contract service arrangement and the State-operated facility. The Agency shall also evaluate the capacity and expertise of Becket or another provider to successfully operate a program appropriate for the youths currently served by Woodside and Vermont youth currently placed out of State.

(c) On or before December 15, 2020, the Agency of Human Services shall report to the Joint Legislative Justice Oversight Committee regarding:

(1) the status of the FY21 appropriation for Woodside including the costs expended to date for the partial year operation of Woodside;

(2) the placements and costs projected for the remainder of the fiscal year to house and provide services to youths who would have been served at the Woodside facility;

(3) the status of FY21 funding for justice-involved youth placements;
and

(4) the results of the cost comparison and evaluations undertaken pursuant to subsection (b) of this section.

Sec. E.318 CHILD CARE PROVIDER STABILIZATION GRANTS

(a) Of the funds provided in fiscal year 2021 in Sec. B.318, \$800,000 is allocated for the purpose of expanding infant and toddler child care capacity.

(b) The Division shall award grants to eligible applicants. An eligible applicant shall:

(1) be a new or existing regulated, privately owned center-based child care program or family child care home in good regulatory standings;

(2) participate in CCFAP;

(3) provide year-round, full-day child care and early learning services;

(4) provide child care and early learning services for infants and toddlers; and

(5) participate in the Step Ahead Recognition System (STARS).

(c) Center-based child care programs or family child care homes receiving a grant pursuant to this section shall remain in compliance with the Division's rules, continue participation in STARS, and maintain enrollment of children supported by CCFAP.

Sec. E.318.1 CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) Notwithstanding 16 V.S.A § 4025(b):

(1) The Department for Children and Families shall align Child Care Financial Assistance Program (CCFAP) eligibility with the current federal poverty guidelines.

(2) The Department for Children and Families shall align rates of reimbursement for preschool and school age children participating in the CCFAP in fiscal year 2021 with the market rates reported on the 2015 Vermont Market Rate Survey and maintain rates of reimbursement for infants and toddlers participating in CCFAP in fiscal year 2021 aligned with the market rates reported on the 2017 Vermont Market Rate Survey.

Sec. E.318.2 EDUCATIONAL AND EXPERIENTIAL VARIANCE

(a) For individuals operating or employed in a registered family child care home or as a director or teacher associate in a center-based program for 10 or

more years prior to September 1, 2016, the Commissioner for Children and Families or designee may issue a variance to the Child Development Division's rule regarding educational and experiential requirements to allow an individual to maintain employment in that same role regardless of whether the family child care provider, family child care assistant, director, or teacher associate intends to attain the otherwise necessary educational requirements. To be eligible for a variance, the family childcare provider, family childcare assistant, director, or teacher associate shall:

(1) work continuously in a regulated program with a full license in good standing; and

(2) meet the Division's educational and experiential requirements in place prior to the adoption of the new rule, which was effective beginning on September 1, 2016.

(b) The Commissioner or designee shall review any violation occurring in a regulated program where a family childcare provider, family childcare assistant, director, or teacher associate is under variance and may revoke the variance granted by this section depending upon the seriousness and circumstances of the violation.

(c) Any variance granted under this section shall be terminated on July 1, 2024, and extensions shall not be granted beyond that date.

Sec. E. 319 15 V.S.A. § 663 is amended to read

§ 663. SUPPORT ORDERS; REQUIRED CONTENTS

(a) Every order for child support made or modified under this chapter shall be issued in a standardized format and sent to the Registry in the Office of Child Support. The order shall include:

(1) The name, address, e-mail address, Social Security number, and employer of both parents.

* * *

(b) Child care costs shall be specifically stated in the order for the purpose of providing information on the amount of child care costs used to compute the total support obligation.

(c) Every order for child support made or modified under this chapter on or after July 1, 1990, shall:

(1) include an order for immediate wage withholding or, if not subject to immediate wage withholding, include a statement that wage withholding will take effect under the expedited procedure set forth in section 782 of this title;

(2) require payments to be made to the Registry in the Office of Child Support unless subject to an exception under 33 V.S.A. § 4103;

(3) require that every party to the order must notify the Registry in writing of their current mailing address, current e-mail address, and current

residence address and of any change in ~~either~~ any address within seven business days of the change, until all obligations to pay support or support arrearages or to provide for visitation are satisfied;

(4) include in bold letters notification of remedies available under section 798 of this title;

(5) include in bold letters notification that the parent may seek a modification of his or her support obligation if there has been a showing of a real, substantial and unanticipated change of circumstances.

* * *

Sec. E.321 GENERAL ASSISTANCE HOUSING

(a) Funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2021 may be used for temporary housing in catastrophic situations and for vulnerable populations, as defined in rules adopted by the Agency. The Commissioner for Children and Families may, by policy, provide temporary housing for a limited duration in adverse weather conditions when appropriate shelter space is not available.

Sec. E.321.1 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM; COMMUNITY-BASED ALTERNATIVES TO GENERAL ASSISTANCE TEMPORARY HOUSING

(a) For fiscal year 2021, the Agency of Human Services may continue to fund housing assistance programs within the General Assistance program to

create flexibility to provide General Assistance benefits, as well as grants to support the establishment of community-based alternatives for temporary housing as part of the effort to reduce the number of individuals temporarily housed by the General Assistance program. The purpose of these housing assistance programs and community-based alternatives is to mitigate poverty and serve applicants more effectively than they are currently being served with General Assistance funds. Eligible activities shall include, among other things, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream prevention, and related services that ensure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The Agency may award grants to homeless and housing service providers for eligible activities. Where such housing assistance programs and grants are provided, and community-based programs are established, the General Assistance rules shall not apply. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The housing assistance and community-based programs may operate in up to 12 districts designated by the Secretary of Human Services. The Agency shall establish goals and procedures for evaluating the program overall, including performance measures that demonstrate program results, and for

each district in which the Agency operates the program, it shall establish procedures for evaluating the district program and its effects.

(c) The Agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of housing assistance programs and community-based alternatives to General Assistance temporary housing.

Sec. E.323 16 V.S.A. § 2878a is amended to read:

§ 2878a. PARTICIPATION AGREEMENTS FOR INVESTMENT PLAN;
~~INDIVIDUAL DEVELOPMENT INVESTMENT ACCOUNTS~~
~~VERMONT MATCHED SAVINGS AND FINANCIAL~~
~~CAPABILITIES PROGRAM~~

The Corporation may participate in the ~~Individual Development Investment Program~~ VERMONT MATCHED SAVINGS AND FINANCIAL CAPABILITIES PROGRAM established under 33 V.S.A. § 1123, in accordance with the rules of the Agency of Human Services adopted thereunder, in connection with an individual or family who, at the time of depositing funds into an account created pursuant to a Vermont Higher Education Investment Plan, receives public assistance or is otherwise an eligible saver under 33 V.S.A. § 1123.

Sec. E.323.1 33 V.S.A. § 1123 is amended to read:

§ 1123. ~~INDIVIDUAL DEVELOPMENT SAVINGS~~ VERMONT MATCHED SAVINGS AND FINANCIAL CAPABILITIES

PROGRAM

(a) As used in this section:

* * *

(9) “Fund” means the ~~Individual Development Matching~~ Vermont Matched Savings and Financial Capabilities Grant Special Fund established by this section.

* * *

(11) “Program” means the ~~Individual Development Savings~~ Vermont Matched Savings and Financial Capabilities Program established by this section.

* * *

(b) The Agency shall establish by rule standards and procedures to implement and administer the ~~Individual Development Savings~~ Vermont Matched Savings and Financial Capabilities Program. The Program may include a program with eligibility criteria that satisfy federal funding requirements or the requirements of other funding sources that are more restrictive than those established in subsection (a) of this section, and a program funded by State appropriations and other revenue. Such standards and procedures shall include the following:

* * *

(8) The Agency shall establish by rule any other standards and procedures necessary or desirable to implement the ~~Individual Development Savings~~ Vermont Matched Savings and Financial Capabilities Program, including minimum requirements for approval of savings plans, criteria for training and counseling, reporting requirements for participating financial institutions, and matching fund allocation standards.

(c)(1) The ~~Individual Development Matching~~ Vermont Matched Savings and Financial Capabilities Grant Special Fund is established in the State Treasury and shall be administered in accordance with the provisions of 32 V.S.A. chapter 7, subchapter 5, except that interest earned on the Fund shall be retained in the Fund. Into the Fund shall be deposited proceeds from grants, donations, contributions, appropriations, and other revenue authorized by law. The Fund shall be used only for the purpose of providing matching funds for the ~~Individual Development Savings~~ Vermont Matched Savings and Financial Capabilities Program as established in this section, and to provide grants to service providers for administrative expenses of administering the Program.

(2) The Agency may make grants from the ~~Individual Development Matching~~ Vermont Matched Savings and Financial Capabilities Grant Special Fund to service providers to provide the match for approved savings plans with enrolled savers. The amount and number of grants shall be calculated quarterly by the Agency based on the number of savers and the amounts

included in their approved plans administered by each service provider so that payment of the maximum match is ensured for all savers for the period for the approved savings plans without exceeding the balance in the Fund. The Agency may award grants from the Fund to service providers to cover their expenses of training and counseling savers, and to implement and administer the ~~Individual Development Savings~~ Vermont Matched Savings and Financial Capabilities Program. The Agency may approve the use of interest earnings on grant funds as a portion of approved administrative costs.

(3) The Agency and service providers, separately or cooperatively, may solicit grants and private contributions for the ~~Individual Development Matching~~ Vermont Matched Savings and Financial Capabilities Grant Special Fund.

* * *

Sec. E.324 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it, if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$1,092,000 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal Emergency Solutions Grants funds. Grant decisions shall be made with assistance from the Vermont Coalition to End Homelessness.

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.335 CORRECTIONS APPROPRIATIONS; TRANSFER; REPORT

(a) In fiscal year 2021, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

Sec. E.335.1. JUSTICE REINVESTMENT OF END OF YEAR FUNDS

(a) Notwithstanding Sec. E.335 of this act, unexpended funds in Sec. B.339 (Corrections out of state beds) of this act in fiscal year 2021 shall not be transferred. The unexpended funds shall be carried forward to fiscal year 2022 and the amount reported to the Joint Legislative Justice Oversight Committee in July 2021. These funds may only be expended on community-based service programs approved by the Joint Legislative Justice Oversight Committee.

Sec. E.338 Corrections - correctional services

(a) The special funds appropriation of \$152,000 for the supplemental facility payments to Newport and Springfield shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

* * * K-12 EDUCATION * * *

Sec. E.500 Education – finance and administration

(a) The Global Commitment funds appropriated in this section will be used for physician claims for determining medical necessity of Individualized Education Programs (IEPs). These services are intended to increase access to quality health care for uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.501 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,864,249 shall be used by the Agency of Education in fiscal year 2021 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d).

Sec. E.504 Education – flexible pathways

(a) Of this appropriation, \$4,000,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c). Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$921,500 is available for dual enrollment programs, notwithstanding 16 V.S.A. § 944(f)(2), and the amount of \$41,225 is available for use pursuant to Sec. E.605.2(a) of this act;

(2) \$100,000 is available to support the Vermont Virtual Learning Cooperative at the River Valley Technical Center School District;

(3) \$200,000 is available for secondary school reform grants; and

(4) \$500,000 is available for the Vermont Academy of Science and Technology and \$2,500,000 for Early College pursuant to 16 V.S.A. § 946.

(b) Of this appropriation, \$921,500 from the General Fund is available for dual enrollment programs, and \$41,225 from the General Fund is available for need-based stipends pursuant to Sec. E.605.2(a) of this act.

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$132,141,701 of which \$125,894,201 shall be the State's contribution and \$6,247,500 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$7,213,271 is the "normal contribution," and \$124,928,430 is the "accrued liability contribution."

Sec. E.515 Retired teachers' health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$31,798,734 will be contributed to the Retired Teachers' Health and Medical Benefits plan.

Sec. E.515.1 PREFUNDING OF THE TEACHERS' HEALTH CARE AND
MEDICAL BENEFITS FUND

(a) Of the amount appropriated in Sec. B.515 of this act, \$2,400,000 is intended to pre-fund Retired Teachers' Health Care and Medical Benefits at the earliest possible date.

* * * HIGHER EDUCATION * * *

Sec. E.600 University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

(c) If Global Commitment Fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the General Fund or other State funding sources.

(d) The University of Vermont will use the Global Commitment funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this program, currently representing a significant number of physicians practicing in Vermont, deliver high-quality health care services to Medicaid beneficiaries and to uninsured or underinsured persons, or both, in Vermont and across the nation.

Sec. E.602 Vermont state colleges

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.603 Vermont state colleges – allied health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other State funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs which graduate approximately 315 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries or uninsured or underinsured persons, or both.

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of this appropriation, not more than \$200,000 may be used by the Vermont Student Assistance Corporation for a student aspirational pilot initiative to serve one or more high schools.

(c) Of the appropriated amount remaining after accounting for subsections (a) and (b) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

Sec. E.605.2 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND
EARLY COLLEGE STUDENTS

(a) The sum of \$82,450 shall be transferred to the Vermont Student Assistance Corporation (VSAC) from Sec. E.504(a)(1) and (b) (flexible pathways funds appropriated for dual enrollment and need-based stipend purposes) to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 946 to be used for the purchase of books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(b) VSAC shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and to the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before January 15, 2021.

* * * Vermont 529 Plans * * *

Sec. E.605.3. 32 V.S.A. § 5825a is amended to read:

§ 5825a. CREDIT FOR VERMONT HIGHER EDUCATION

INVESTMENT PLAN CONTRIBUTIONS

(a) A taxpayer of this State, including each spouse filing a joint return, shall be eligible for a nonrefundable credit against the tax imposed under section 5822 of this title of 10 percent of the first \$2,500.00 per beneficiary, contributed by the taxpayer during the taxable year to a Vermont ~~higher education investment plan~~ Higher Education Investment Plan account under 16 V.S.A. chapter 87, subchapter 7, provided the account is provided directly by the Vermont Student Assistance Corporation to the participant.

(b) A taxpayer who has received a credit under subsection (a) of this section shall repay to the Commissioner 10 percent of any distribution from a higher education investment plan account, ~~which distribution is not used exclusively for costs of attendance at an approved postsecondary education institution as defined in 16 V.S.A. § 2822(6),~~ up to a maximum of the total credits received by the taxpayer under subsection (a) of this section minus any amount of repayment of such credits in prior tax years except when the distribution:

(1) is used exclusively for costs of attendance at an approved postsecondary education institution as defined in 16 V.S.A. § 2822(6);

(2) qualifies as an expense associated with a registered apprenticeship program pursuant to 26 U.S.C. § 529(c)(8); or

(3) is made after the death of the beneficiary or after the beneficiary becomes disabled pursuant to subdivisions (q)(2)(C) and (m)(7) of 26 U.S.C. § 72.

(c) Repayments under ~~this~~ subsection (b) of this section shall be subject to assessment, notice, penalty and interest, collection, and other administration in the same manner as an income tax under this chapter.

Sec. E.605.4 16 V.S.A. chapter 87, subchapter 7 is amended to read:

* * *

§ 2876. DEFINITIONS

As used in this subchapter, except where the context clearly requires another interpretation:

(1) “Beneficiary” means any individual designated by a participation agreement to benefit from payments for qualified postsecondary education costs ~~at an institution of postsecondary education.~~

(2) “Benefits” means the payment of qualified postsecondary education costs on behalf of a beneficiary ~~by the Corporation’s Investment Plan during~~

the beneficiary's attendance at an institution of postsecondary education from a participant's investment plan account.

(3) "Corporation" means Vermont Student Assistance Corporation.

(4) "Internal Revenue Code" means the federal Internal Revenue Code of 1986, as amended, together with the regulations promulgated ~~thereunder~~ pursuant to that Code.

(5) "Qualified postsecondary education costs" means the ~~qualified costs of tuition and fees and other expenses for attendance at an approved postsecondary education institution~~ costs of tuition and fees for attendance at an approved postsecondary education institution, and other qualified higher education expenses as provided under 26 U.S.C. § 529.

(6) "Approved postsecondary education institution" means a postsecondary education institution as defined in section 2822 of this title.

(7) "Vermont Higher Education Investment Plan" or "Investment Plan" means ~~the program~~ one or more plans created pursuant to this subchapter.

(8) "Participant" means a person who has entered into a participation agreement pursuant to this subchapter intended for the ~~advance~~ payment of qualified postsecondary education costs on behalf of a beneficiary.

(9) “Participation agreement” means an agreement between a participant and the Corporation, pursuant to and conforming with the requirements of this subchapter.

§ 2877. VERMONT HIGHER EDUCATION INVESTMENT PLAN

CREATED

(a) There is created a program of the State to be known as the Vermont Higher Education Investment Plan and a trust for that purpose to be administered by the Vermont Student Assistance Corporation as an instrumentality of the State. The program may consist of one or more different investment plans, including one or more plans that may be offered to a participant only with the assistance of a qualified financial advisor.

(b) In order to establish and administer the Investment Plan, the Corporation, in addition to its other powers and authority, shall have the power and authority to:

* * *

(2) Enter into agreements with any ~~institution of~~ approved postsecondary education institution, the State, or any federal or other agency or entity as required for the operation of ~~the~~ an Investment Plan pursuant to this subchapter.

(3) Accept any grants, gifts, legislative appropriations, and other ~~moneys~~ monies from the State; any unit of federal, State, or local government; or any other person, firm, partnership, or corporation for ~~deposit~~ contribution to the account of the Investment Plan, or for the operation or other related purposes of the Corporation.

(4) Invest the funds received from participants in appropriate investment vehicles approved and held in trust for participants by the Corporation as selected by the participants, including education loans made by the Corporation.

(5) Enter into participation agreements with participants.

(6) Develop and use two or more types of participation agreements to provide a range of investment ~~structures~~ options for participants.

(7) Make payments ~~to institutions of postsecondary education on behalf of beneficiaries~~ as directed by the participants pursuant to participation agreements.

(8) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in this subchapter and the rules ~~and regulations~~, policies, and procedures adopted by the Corporation.

(9) Make provision for the payment of costs of administration and operation of ~~the~~ an Investment Plan subject to the limitations on charges on participation agreements established in subdivision 2878(5) of this title.

(10) Adopt rules ~~and regulations, policies, and procedures~~ to implement this subchapter and take all necessary action to ensure an Investment Plan is in conformance with the Internal Revenue Code and other applicable law.

* * *

§ 2878. PARTICIPATION AGREEMENTS FOR INVESTMENT PLAN

The Corporation shall have the authority to enter into Investment Plan participation agreements with participants ~~on behalf of beneficiaries~~ pursuant to the provisions of this subchapter, including the following terms and agreements:

(1) A participation agreement shall stipulate the terms and conditions of the Investment Plan ~~in~~ to which the participant makes ~~deposits~~ contributions.

(2) A participation agreement shall clearly specify the method for calculating the return on the ~~deposit made by the participant, which may be a variable or adjustable rate of return~~ various investment options available and shall reference the relevant expenses and other pertinent information about the account.

* * *

(4) A participation agreement shall clearly and prominently disclose to participants the risks associated with ~~depositing monies with the Corporation~~ the various investment options available under the applicable Investment Plan.

(5) Participation agreements shall be organized and presented in a way and with language that is easily understandable by the general public. A participation agreement shall clearly and prominently disclose to participants that the Corporation, the State, and any other governmental entity are not liable for, nor guarantee the return of or on the participant's contributions to an Investment Plan. A participation agreement shall also clearly and prominently disclose to participants the existence of any load charge or similar charge assessed against the accounts of the participants for administration, operation, or services. No fee or similar charge may be imposed with regard to an investment managed by the Corporation. Any fee, load, or similar charge with regard to any investment not managed by the Corporation shall be no greater than the cost determined by the Corporation to be required to administer the investment. The cost of originating and servicing any education loans made or acquired pursuant to participation agreements shall not be considered as load charges or similar charges.

* * *

§ 2878a. PARTICIPATION AGREEMENTS FOR INVESTMENT PLAN;

INDIVIDUAL DEVELOPMENT INVESTMENT ACCOUNTS

The Corporation may participate in the Individual Development Investment Program established under 33 V.S.A. § 1123, in accordance with the rules of the Agency of Human Services adopted thereunder, in connection with an individual or family who, at the time of ~~depositing~~ contributing funds into an account created pursuant to a Vermont Higher Education Investment Plan, receives public assistance or is otherwise an eligible saver under 33 V.S.A. § 1123.

§ 2879. INVESTMENT AND PAYMENTS

All money paid by a participant in connection with a participation agreement ~~agreements~~ shall be ~~deposited~~ credited to the participant's account as received, held by the Corporation in trust for the benefit of the participant, and shall be promptly invested by the Corporation as selected by the participant from the investment options available under the participation agreement. ~~Deposits and earnings thereon accumulated on behalf of participants in the Investment Plan~~ Contributions and earnings accumulated in a participant's Investment Plan account may be used, as provided in the participation agreement, ~~for payments to any institution of postsecondary education~~ including for payments of qualified postsecondary education costs.

The trust shall continue in existence as long as it holds any funds belonging to a participant.

* * *

§ 2879c. TAX EXEMPTION

* * *

(b) Contributions to an account held under ~~the~~ a Vermont Higher Education Investment Plan that is provided directly by the Corporation to a participant shall be eligible for a credit against Vermont income tax as provided under 32 V.S.A. § 5825a.

§ 2879d. PROPERTY RIGHTS TO ASSETS IN THE PLAN

The assets of the Vermont Higher Education Investment Plan shall at all times be held in trust for the benefit of the participant, shall not be commingled with any other funds of the Corporation or the State, shall be preserved, invested, and expended solely and only for the purposes set forth in this chapter and in accordance with the participation agreements, and no property rights therein shall exist in favor of the Corporation or the State. Amounts held in, or withdrawn from, a participant's Investment Plan account under a participation agreement shall not be subject to liens, attachment, garnishment, levy, seizure, claim by creditors of the contributors, participants, or any

beneficiary, or subject to any involuntary sale, transfer, or assignment by any execution or any other legal or equitable operation of law, including bankruptcy or insolvency laws.

* * *

* * * NATURAL RESOURCES * * *

Sec. E.700 10 V.S.A. § 1979(b) is amended to read:

(b)(1) The Secretary shall approve the use of sewage holding and pumpout tanks for existing or proposed buildings or structures that are owned by a charitable, religious, or nonprofit organization when he or she determines that:

(A) the plan for construction and operation of the holding tank will not result in a public health hazard or environmental damage;

(B) a designer demonstrates that an economically feasible means of meeting current standards is significantly more costly than the construction and operation of sewage holding and pumpout tanks, based on a projected 20-year life of the project; and

(C) the design flows do not exceed 600 gallons per day or the existing or proposed building or structure shall not be used to host events on more than 28 days in any calendar year.

~~(2) Before constructing a holding tank permitted under this subsection, the applicant shall post a bond or other financial surety sufficient to finance maintenance of the holding tank for the life of the system, which shall be at least 20 years. [Repealed.]~~

(3)(A) A permit issued under this subsection shall run with the land for the duration of the permit and shall apply to all subsequent owners of the property being served by the holding tank regardless of whether the owner is a charitable, religious, or nonprofit organization.

~~(B) All permit conditions, including the financial surety requirement of subdivision (2) of this subsection (b), shall apply to a subsequent owner.~~

~~(C) A subsequent owner shall not increase the design flows of the holding and pumpout tank system without approval from the Secretary.~~

Sec. E.701 32 V.S.A. § 3708(d) is amended to read:

(d) Beginning in fiscal year ~~2022~~ 2023, and thereafter in periods of ~~no~~ not less than three years and ~~no~~ not greater than five years, the Secretary of Natural Resources shall recommend an adjustment to update the base payments established under subsection (c) of this section consistent with the statewide municipal tax rate or other appropriate indicators. For years that the Secretary of Natural Resources recommends an adjustment under this subsection, a

request for funding the adjustment shall be included as part of the budget report required under section 306 of this title.

Sec. E.702 FISH AND WILDLIFE; SUPPORT AND FIELD SERVICES

(a) The Commissioner of Finance and Management shall work with the Commissioner of Public Safety and the Commissioner of Fish and Wildlife to determine the appropriate funding levels for boating safety activities. Consideration shall include the distribution of federal U.S. Coast Guard Boat Safety grant funds, and the associated state match, to determine if the formula for distribution should be changed to include boat safety related enforcement activities within the Department of Fish and Wildlife. Recommendations resulting from this review shall be included in a memorandum submitted on or before April 1, 2021 to the House and Senate Committees on Government Operations, the House Committee on Natural Resources, Fish, and Wildlife, the Senate Committee on Natural Resources and Energy, and the House and Senate Committees on Appropriations.

Sec. E.706 23 V.S.A. § 3513 is amended to read:

§ 3513. LIABILITY INSURANCE; AUTHORITY TO CONTRACT FOR
LAW ENFORCEMENT SERVICES

(a) The amount of 90 percent of the fees and penalties collected under chapter, except interest, is allocated to the Agency of Natural Resources for use by the Vermont ATV Sportsman's Association (VASA) for development

and maintenance of a Statewide ATV Trail Program, for trail liability insurance, and to contract for law enforcement services with any constable, sheriff's department, municipal police department, the Department of Public Safety, and the Department of Fish and Wildlife for purposes of trail compliance pursuant to this chapter. The Departments of Public Safety and of Fish and Wildlife are authorized to contract with VASA to provide these law enforcement services. The Agency of Natural Resources shall retain for its use up to \$7,000.00 during each fiscal year to be used for administration of the State grant that supports this program.

* * *

Sec. E.711 2019 Acts and Resolves No. 76, Sec. 8(a) is amended to read:

(a) Until ~~November 1, 2021~~ July 1, 2022, the Secretary shall implement the existing ecosystem restoration funding delivery program and shall not make substantial modifications to the manner in which that program has been implemented. The Secretary may give increased priority to meeting legal obligations pursuant to a total maximum daily load when implementing that funding delivery program.

* * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

Sec E. 802. 32 V.S.A § 5930ee is amended to read:

§ 5930ee. Limitations

Beginning in fiscal year 2010 and thereafter, the State Board may award tax credits to all qualified applicants under this subchapter, provided that:

(1) the total amount of tax credits awarded annually, together with sales tax reallocated under section 9819 of this title, does not exceed ~~\$2,600,000.00~~ \$2,600,001.00.

~~Sec. E.811 Vermont Housing and Conservation Board~~

~~(a) Included in this base appropriation is \$100,000 to support the cost of technical assistance with writing grants associated with the Rural Economic Development Initiative pursuant to 10 V.S.A. § 325m.~~

* * * TRANSPORTATION * * *

Sec. E.900 TRANSPORTATION FUND APPROPRIATION REDUCTIONS

(a) The Secretary of Transportation, with the approval of the Secretary of Administration, is authorized to reduce fiscal year 2021 Transportation Fund appropriations by the amount of Coronavirus Relief Funds or Federal Emergency Management Administration Funds received towards Transportation Fund expenditures in each appropriation.

(b) In July 2021, the Secretary of Administration shall report all appropriations reductions made under the authority of this section to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee.

Sec. E.900.1 EXEMPTIONS FROM TRANSPORTATION FUND BUDGET
STABILIZATION RESERVES

(a) Transportation Fund amounts totaling \$44,596,927.34, reverted under the Secretary of Administration's carry-forward authority in 2020 Acts and Resolves No. 88, Sec. 48(a), are exempt from the fiscal year 2020 Transportation Fund appropriation total used to calculate the five percent budget stabilization requirement for fiscal year 2021 in 32 V.S.A. § 308a.

Sec. E.909 Transportation – central garage

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 13(c)(2).

Sec. E.911 Transportation – town highway structures

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 306(e).

Sec. E.913 Transportation – town highway class 2 roadway

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 306(h).

* * * PAY ACT; LEGISLATIVE INTENT * * *

Sec. F.100 PAY ACT; FISCAL YEAR 2022 FUNDING; CONFIRMATION
OF LEGISLATIVE INTENT

(a) In accordance with the Pay Act set forth in 2020 Acts and Resolves No. 120, Secs. B.1–B.5, particularly Sec. B.1(c) of that act (“Fiscal year 2022. The

General Assembly will consider any compensation increases for fiscal year 2022 at a later date.”), this section confirms that the legislative intent of the Pay Act was to fully fund the first year of the collective bargaining agreements and to make a funding decision regarding the second year of those agreements at a later date and that accordingly, the Pay Act does not require the State, the Department of State’s Attorneys and Sheriffs, the Judiciary Department, and the bargaining units covered by the Pay Act to renegotiate any terms of their collective bargaining agreements that apply during the period of July 1, 2021 through June 30, 2022 (fiscal year 2022) unless and until, in accordance with 3 V.S.A. §§ 982(c) and 1036(c), the General Assembly appropriates a different amount of funds for that period than the amount required for sufficient funding of that period.

* * * ADJUSTMENTS TO THE TRANSPORTATION BILL,

2020 ACTS AND RESOLVES NO. 121 * * *

Sec. G.100 2020 Acts and Resolves No. 121, Sec. 1(d)(3) is amended to read:

(3) “Federal COVID-19 legislation” includes any federal infrastructure bills or other federal legislation that ~~provide~~ provides the State with additional federal funding for transportation-related projects in fiscal year 2021 or was enacted as a result of COVID-19, including an extension of the Fixing America’s Surface Transportation Act, Pub. L. No. 114-94 (FAST Act) that provides additional federal funding or flexibility with how federal funding can

be used, such as eliminating state match requirements, or any transportation-related infrastructure stimulus bill.

Sec. G.101 2020 Acts and Resolves No. 121, Sec. 1a is amended to read:

Sec. 1a. FISCAL YEAR 2021 TRANSPORTATION INVESTMENTS
INTENDED TO REDUCE TRANSPORTATION-RELATED
GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL
USE, AND SAVE VERMONT HOUSEHOLDS MONEY

* * *

(2) Bike and Pedestrian Facilities Program. This act, in concert with the Capital Construction Act, provides for a fiscal year expenditure of ~~\$18,030,970.00~~ \$17,930,970.00, which will fund 39 bike and pedestrian construction projects, and 12 bike and pedestrian design, right-of-way, or design and right-of way projects for construction in fiscal year 2021. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared use paths, bike paths, and cycling lanes. Projects are funded in Arlington, Bennington, Burlington, Chester, Colchester-Essex, Dover, East Montpelier, Enosburg Falls, Fairfield, Hardwick, Hartford, Hinesburg, Jericho, Johnson, Lake Champlain causeway, Middlebury, Milton, Montpelier-Berlin, Moretown, Pittsford, Plainfield, Proctor, Richford, Rochester, Rutland City, Shelburne, South Burlington, Springfield, St. Albans

City, St. George, St. Johnsbury, Swanton, Underhill, Waitsfield, Waterbury,
West Rutland, Williston, and Wilmington.

* * *

(4) Public Transit Program. This act authorizes ~~\$37,852,845.00~~
\$38,734,820.00 in funding for public transit uses throughout the State, which is
a ~~30.4~~ 33.5 percent increase over fiscal year 2019 levels. An additional
\$3,000,000.00 flows through the State directly to the Green Mountain
Transportation Authority. Included in the authorization are:

* * *

(5) Rail Program. This act authorizes ~~\$30,815,640.00~~ \$31,494,448.00
for intercity passenger rail service and rail infrastructure throughout the State,
including modifications to the Burlington Vermont Rail Systems railyard to
accommodate overnight servicing to facilitate New York City-Burlington rail
service.

* * *

(8) Vehicle incentive programs. Sec. 14 of this act authorizes an
additional \$50,000.00 to support administrative costs associated with
MileageSmart, which is the State's used high fuel efficiency vehicle incentive
program, and to ensure that the State's emissions repair program is operational
not later than July 1, 2021 and the fiscal year 2021 budget appropriates and
authorizes the expenditure of \$1,000,000.00 in one-time Transportation Fund

monies for additional new plug-in electric vehicle incentives and program development costs under the New PEV Incentive Program. Sees. 3 and 5 Sec. 3 of this act also ~~authorize~~ authorizes the Secretary of Transportation to expend additional monies on the New PEV Incentive Program and MileageSmart if such funding becomes available.

Sec. G.102 2020 Acts and Resolves No. 121, Sec. 3 is amended to read:

Sec. 3 AGENCY SPENDING; AUTHORITY TO REDIRECT; REPORT

* * *

(e) ~~The Secretary of Administration shall, on or before July 31, 2020, file a written report listing all expenditures made during fiscal year 2020 under the authority of subsections (a) and (b) of this section to the House and Senate Committees on Transportation, Joint Fiscal Office, Joint Fiscal Committee, and Joint Transportation Oversight Committee~~ If additional funding becomes available pursuant to this section, an additional \$1,600,000.00 for leveling and paving projects shall be the top priority. The Agency shall have discretion, within the guidelines established pursuant to subsections (a) and (b) of this section, if there is more than \$1,600,000.00 available for reallocation.

* * *

(g) ~~The reports~~ report required pursuant to ~~subsections (e) and subsection (f)~~ of this section shall be in addition to the report required pursuant to 19 V.S.A. § 10g(e).

Sec. G.103 2020 Acts and Resolves No. 121, Sec. 4 is amended to read:

Sec. 4 ADDITION OF BURLINGTON RAIL YARD REALIGNMENT
FOR AMTRAK PROJECT; RAIL PROGRAM

(a) The following project is added to the development and evaluation list of Rail within the Agency's Fiscal Year 2020 Transportation Program, as adopted pursuant to 2019 Acts and Resolves No. 59, Sec. 1, and the ~~development and evaluation~~ construction list of Rail within the Agency's Proposed Fiscal Year 2021 Transportation Program, with a spending authorization of \$1,450,000.00 in Transportation Fund monies for construction: Burlington – Railyard Realignment for Amtrak.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Rail, authorized spending for Statewide – Amtrak Contract is reduced by \$750,000.00 in Transportation Fund monies.

(c) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Rail, authorized spending for Statewide – Rail Section Administration is reduced by \$21,192.00 in Transportation Fund monies.

Sec. G.104 2020 Acts and Resolves No. 121, Sec. 5(a) is amended to read:

(a)(1) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Maintenance, authorized spending is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal	45,757,089	45,757,089	0
Services		<u>45,305,185</u>	<u>-451,904</u>
Operating	52,896,134	52,296,134	-600,000
Expenses		<u>54,291,051</u>	<u>1,394,917</u>
Grants	240,200	240,200	0
Total	98,893,423	98,293,423	-600,000
		<u>99,836,436</u>	<u>943,013</u>
<u>Sources of funds</u>			
State	96,415,636	95,815,636	600,000
		<u>97,358,649</u>	<u>943,013</u>
Federal	2,377,787	2,377,787	0
Interdepart.	100,000	100,000	0
Transfer			
Total	98,893,423	98,293,423	600,000
		<u>99,836,436</u>	<u>943,013</u>

(2) The \$3,511,051.27 that the Highway Maintenance Bureau owes to the Central Garage Fund for withheld payment of billed invoices at fiscal year 2020 year-end is included in the operating expenses for Maintenance and this money shall be used to pay all past due invoices to the Highway Maintenance Bureau from the Central Garage Fund and fully restore the negative fund

balance in the Central Garage Fund that resulted from the withholding of payment of billed invoices in fiscal year 2020.

Sec. G.105 2020 Acts and Resolves No. 121, Sec. 5a is amended to read:

Sec. 5a. ~~CLARENDON SRE BUILDING~~ AVIATION

(a) Clarendon SRE building. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Clarendon AV-FY20-001 is amended as follows:

* * *

(b) Morristown fuel farm. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Morristown AV-FY21-015 is amended by increasing spending authority for construction by \$230,000.00 in Transportation Fund monies.

(c) Coventry runway 5/23. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, the sources of funds for Coventry AV-FY20-002 is amended by reducing Transportation Fund monies by \$8,000.00 and increasing federal fund monies by \$8,000.00.

(d) Paving. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, the sources of funds for Statewide AV-FY19-013 is amended by reducing Transportation Fund monies by \$14,420.00 and increasing federal fund monies by \$14,420.00; and the sources

of funds for Statewide AV-FY21-003 is amended by reducing Transportation Fund monies by \$4,000.00 and increasing federal fund monies by \$4,000.00.

(e) Administrative support. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Statewide – Aviation Admin. Support is reduced by \$17,846.00 in Transportation Fund monies.

Sec. G.106 2020 Acts and Resolves No. 121, Sec. 6 is amended to read:

Sec. 6 PROGRAM DEVELOPMENT; ROADWAY

(a) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Roadway, authorized spending for Burlington MEGC M 5000(1) is amended as follows:

* * *

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Roadway, the sources of funds for Pittsford NH 019-3(491) is amended by reducing TIB funds by \$946,000.00 and increasing federal fund monies by \$946,000.00.

Sec. G.107 2020 Acts and Resolves No. 121, Secs. 7b and 7c and their corresponding reader assistance headings are added to read:

* * * Paving * * *

Sec. 7b. PROGRAM DEVELOPMENT; PAVING

(a) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Paving, authorized spending for construction in Statewide Federal Paving is increased by \$1,150,000.00 in Transportation Fund monies and \$4,600,000.00 in federal fund monies.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Paving, the sources of funds for Sharon–Bethel IM 089-1(66) is amended by increasing Transportation Fund monies by \$124,947.00 and federal fund monies by 167,500.00 and reducing TIB funds by \$292,447.00.

* * * State Highway Bridges * * *

Sec. 7c. PROGRAM DEVELOPMENT; STATE HIGHWAY BRIDGES

(a) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—State Highway Bridges, the sources of funds for North Hero–Grand Isle BHF 028-1(26) is amended by reducing TIB funds by \$2,910,000.00 and increasing federal fund monies by \$2,910,000.00.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—State Highway Bridges, the sources of funds for Middlebury WCRS(23) is amended by reducing

Transportation Fund monies by \$850,000.00 and increasing federal fund monies by \$850,000.00.

Sec. G.108 2020 Acts and Resolves No. 121, Sec. 9a is added to read:

Sec. 9a. PUBLIC TRANSIT; ADMINISTRATIVE SUPPORT

(a)(1) Within the Agency of Transportation's Proposed Fiscal Year 2021

Transportation Program for Public Transit, authorized spending for State

Public Transportation is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	6,241,403	7,128,955	887,552
Total	6,241,403	7,128,955	887,552
<u>Sources of funds</u>			
State	6,241,403	3,190,600	-3,050,803
Federal	0	3,938,355	3,938,355
Total	6,241,403	7,128,955	887,552

(2) These amendments reflect a swap of federal fund monies for

Transportation Fund monies in the amount of \$3,100,000.00, which is possible because of monies that are available for public transit under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (CARES Act), an increase in federal funds in the amount of \$838,355.00, which is the result of a Federal Transit Administration grant award for the replacement of buses, and an increase in Transportation Fund monies in an amount of \$49,197.00,

which is the required match for the federal grant award for the replacement of buses.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Public Transit, authorized spending authority for Administrative Support – Public Transit Admin Support is reduced by \$5,577.00 in Transportation Fund monies.

Sec. G.109 2020 Acts and Resolves No. 121, Secs. 11 and 12 are amended to read:

Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2021, the amount of ~~\$1,605,358.00~~ \$1,005,358.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13, ~~and \$600,000.00 of this transfer shall be from one time Transportation Fund monies appropriated and authorized for expenditure pursuant to the fiscal year 2021 budget and shall include the \$600,000.00 one-time transfer from the Transportation Fund pursuant to Sec B.1100.1 of the fiscal year 2021 budget.~~

Sec. 12. CENTRAL GARAGE EQUIPMENT

In fiscal year 2021, the amount of ~~\$8,668,094.00~~ \$8,068,094.00 is authorized for replacement equipment pursuant to 19 V.S.A. § 13(b) and, of

this amount, a minimum of \$250,000.00 shall be dedicated for the replacement of Department of Motor Vehicles enforcement fleet vehicles.

Sec. G.110 2020 Acts and Resolves No. 121, Sec. 12a–12e and their corresponding reader assistance headings are added to read:

Sec. 12a. CENTRAL GARAGE FUNDING

Within the Agency of Transportation's Proposed Fiscal Year 2021

Transportation Program for Central Garage, authorized spending is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal	4,612,051	4,566,949	-45,102
Services			
Operating	17,027,708	16,415,926	-611,782
Expenses			
Total	21,639,759	20,982,875	-656,884

Sources of funds

Internal	21,639,759	20,982,875	-656,884
Service Fund			
Total	21,639,759	20,982,875	-656,884

* * * Town Highways * * *

Sec. 12b. BRATTLEBORO-HINSDALE, NH

Within the Agency of Transportation's Proposed Fiscal Year 2021

Transportation Program for Town Highway Bridge, authorized spending for
Brattleboro-Hinsdale, NH is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	750,000	750,000	0
PE	0	200,000	200,000
ROW	2,875,973	4,675,973	1,800,000
Construction	1,000,000	1,000,000	0
Total	4,625,973	6,625,973	2,000,000

Sources of funds

TIB	925,195	1,325,000	400,000
Federal	3,700,778	5,100,778	1,600,000
Total	4,625,973	6,625,973	2,000,000

Sec. 12c. MONIES FOR TOWN HIGHWAYS

(a) Town Highway Structures. Notwithstanding 19 V.S.A. § 306(e)(2), the
Agency shall not issue any new grants under the Town Highway Structures
Program in fiscal year 2021 and authorized spending for grants in fiscal year
2021 is reduced by \$1,683,500.00 in Transportation Fund monies to a total of
\$4,650,000.00 in Transportation Fund monies.

(b) Town Highway Class 2 Roadway. Notwithstanding 19 V.S.A.
§ 306(h), the Agency shall not issue any new grants under the Class 2 Town

Highway Roadway Program in fiscal year 2021 and authorized spending for grants in fiscal year 2021 is reduced by \$4,398,750.00 in Transportation Fund monies to a total of \$3,250,000.00 in Transportation Fund monies.

(c) Town Highway Aid. Notwithstanding 19 V.S.A. § 306(a), the fiscal year 2021 budget increases the annual appropriation for aid to town highways by \$7,000,000.00 in one-time Transportation Fund monies to a total of \$34,105,769.00 in Transportation Fund monies.

* * * Department of Motor Vehicles * * *

Sec. 12d. DEPARTMENT OF MOTOR VEHICLES; SAVINGS AND
INCREASE OF LIMITED SERVICE STAFF

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for the Department of Motor Vehicles, authorized spending is increased by \$48,368.00 for personal services and reduced by \$96,059.00 for operating expenses with a corresponding reduction of \$47,691.00 in Transportation Fund monies as the source of funds.

* * * Vacancy Savings; Statewide Allocated Cost Reductions * * *

Sec. 12e. VACANCY SAVINGS AND STATEWIDE ALLOCATED
COST REDUCTIONS

(a) Finance and Administration. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Finance and Administration, authorized spending is reduced by \$107,890.00 for personal

services and \$28,189.00 for operating expenses with a corresponding reduction of \$136,079.00 in Transportation Fund monies as the source of funds.

(b) Policy and Planning. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Policy and Planning, authorized spending is reduced by \$28,299.00 for personal services and \$7,392.00 for operating expenses with a corresponding reduction of \$35,691.00 in Transportation Fund monies as the source of funds.

(c) Transportation Board. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Transportation Board, authorized spending is reduced by \$195.00 for personal services and \$781.00 for operating expenses with a corresponding reduction of \$976.00 in Transportation Fund monies as the source of funds.

(d) Program Development. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Administration, authorized spending is reduced by \$253,808.00 for personal services and \$66,304.00 for operating expenses with a corresponding reduction of \$320,112.00 in Transportation Fund monies as the source of funds.

Sec. G.111 REPEALS

2020 Acts and Resolves No. 121, Secs. 5(b) (contingent funding for the vehicle incentive programs) and 5b (Morristown fuel farm) are repealed.

* * * AMENDMENTS TO VEHICLE INCENTIVE PROGRAMS * * *

Sec. G.112 2019 Acts and Resolves No. 59, Sec. 34(a) as amended by 2020 Acts and Resolves No. 121, Sec. 14 is further amended to read:

(a) Vehicle incentive and emissions repair programs administration.

* * *

(2) The Agency is authorized to spend \$2,000,000.00 as appropriated in the fiscal year 2020 budget, \$50,000.00 in Transportation Fund monies, and any additional monies as appropriated ~~in the fiscal year 2021 budget~~ for the programs described in subsection (b) and (c) of this section or Transportation Fund monies authorized to be expended by the Secretary of Transportation pursuant to ~~Sees. 3 and 5 of this act, or both,~~ on the programs described in subsections (b) and (c) of this section. Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations for the programs described in subsections (b) and (c) of this section remaining unexpended on June 30, 2021 shall be carried forward and designated for expenditure on these programs in the subsequent fiscal year.

(3) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the programs. Up to \$150,000.00 of program funding may be set aside for this purpose for the programs described in subsection (c) of this section in fiscal year 2020 and \$50,000.00 of program funding shall be set

aside for this purpose for the programs described in subsection (c) of this section in fiscal year 2021 and to ensure that the emissions repair program is operational not later than July 1, 2021. ~~In fiscal year 2021, the Agency is authorized to spend up to \$200,000.00 in program funding to continue and expand the Agency's public-private partnership with Drive Electric Vermont to support the expansion of the PEV market in the State through technical and consumer assistance; auto-dealer education; outreach and incentive program management, including marketing, consumer support, record keeping and reporting, program development and modification, and general program administration for the program described in subsection (b) of this section; and PEV promotional efforts. The Agency shall develop, in consultation with the Departments of Environmental Conservation and of Public Service, a scope of work for funding the Agency's grants to Drive Electric Vermont pursuant to this section.~~

* * *

* * * AMENDMENTS TO ATV LAWS * * *

Sec. G.113 23 V.S.A. § 3502 is amended to read:

§ 3502. REGISTRATION AND TRAIL ACCESS DECAL (TAD)

REQUIRED; EXCEPTIONS

(a)(1) Except as otherwise provided in this section, an individual shall not operate an ATV on the VASA Trail System, on State land designated by the

Secretary pursuant to subdivision 3506(b)(4) of this title, or along any highway that is not adjacent to the property of the operator unless the ATV:

(A) is registered pursuant to this title or in accordance with subsection (e) of this section; and

(B) displays a valid VASA Trail Access Decal (TAD).

(2) Notwithstanding subdivision (1) of this subsection, neither registration nor display of a TAD is required to operate an ATV:

(A) ~~on~~ On the property of the owner of the ATV;

(B) ~~in~~ In a ski area, off the highway, for the purpose of grooming snow, maintenance, or in rescue operations;

(C) ~~for~~ For official use by a federal, State, or municipal agency if the ATV is identified with the name or seal of the agency in a manner approved by the Commissioner;

(D) ~~on~~ On privately owned land when the operator is specifically invited to do so by the owner of the property and carries the written consent of the owner.

(E) On frozen bodies of water as designated by the Agency of Natural Resources under the provisions of 10 V.S.A. § 2607. Notwithstanding subdivision 3506(b)(16) of this title, protective headgear is not required when an ATV is operated on a frozen body of water pursuant to this subdivision.

* * *

* * * EFFECTIVE DATES * * *

Sec. H.100 EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214, Sec. E.215.1 (Vermont National Guard Tuition Benefit Program, COVID-19) shall take effect on passage and shall apply retroactively to August 17, 2020.

(b) Sec. E.307.1 (8 V.S.A. § 4089i) shall take effect on January 1, 2021 and shall apply to health insurance and other health benefit plans on or after January 1, 2021 on such date as a health insurer or pharmacy benefit manager issues, offers, or renews the plan, but in no event later than January 1, 2022.

(c) All remaining sections shall take effect on ~~October 1, 2020~~ passage.