

House Calendar

Friday, March 19, 2021

73rd DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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ACTION CALENDAR

Action Postponed Until March 19, 2021

Third Reading

H. 218

An act relating to the sale of unpasteurized raw milk

Amendment to be offered by Reps. Rosenquist of Georgia and Hango of Berkshire to H. 218

That the bill be amended in Sec. 1, 6 V.S.A. chapter 152, in section 2778, in subsection (b), by adding a subdivision (5) to read:

(5) Prior to delivery of raw milk to a farm stand or CSA organization for sale, the producer shall test the milk for Escherichia coli, Salmonella, Listeria monocytogenes, and Campylobacter using polymerase chain reaction pathogen testing. If the results of the test indicate the presence of Escherichia coli, Salmonella, Listeria monocytogenes, or Campylobacter, the producer shall dispose of the milk and not sell it to a consumer, farm stand, or CSA organization.

NEW BUSINESS

Third Reading

H. 101

An act relating to the implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy support for all students with measurable outcomes

H. 106

An act relating to equitable access to a high-quality education through community schools

H. 426

An act relating to addressing the needs and conditions of public school facilities in the State

H. 434

An act relating to establishing the Agricultural Innovation Board

Amendment to be offered by Rep. Norris of Shoreham to H. 434

That the bill be amended in Sec. 1, 6 V.S.A. chapter 215, subchapter 7A, in Section 4964, in subdivision (b)(1), by striking “15” where it appears and inserting in lieu thereof “14”

Favorable with Amendment

H. 313

An act relating to miscellaneous amendments to alcoholic beverage laws

Rep. Birong of Vergennes, for the Committee on General; Housing; and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 204 is amended to read:

§ 204. APPLICATION AND RENEWAL FEES FOR LICENSES AND PERMITS; DISPOSITION OF FEES

(a) The following fees shall be paid when applying for a new license or permit or to renew a license or permit:

* * *

(6) For a third-class license, \$1,095.00 for an annual license and \$550.00 for a six-month license. For a stand-alone third-class license, the issuing municipality may assess an additional \$50.00 local processing fee.

* * *

(b) Except for fees collected for first-, second-, and third-class licenses, the fees collected pursuant to subsection (a) of this section shall be deposited in the Liquor Control Enterprise Fund. The other fees shall be distributed as follows:

(1) Third-class license fees: 55 percent shall go to the Liquor Control Enterprise Fund, and 45 percent shall go to the General Fund and shall fund alcohol abuse prevention and treatment programs. The local processing fee for stand-alone third-class licenses shall be retained by the issuing municipality.

* * *

Sec. 2. 7 V.S.A. § 230 is added to read:

§ 230. SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

(a) The Board of Liquor and Lottery and the local control commissioners may authorize:

(1) first- and third-class licensees to sell malt beverages, vinous beverages, and spirits-based prepared drinks for off-premises consumption. All sales of alcoholic beverages for off-premises consumption must be accompanied by a food order.

(2) second-class licensees to provide curbside pickup of unopened containers of the alcoholic beverages that the licensee is permitted to sell from the licensed premises pursuant to section 222 of this subchapter.

(3) fourth-class licensees to provide curbside pickup of unopened containers of the alcoholic beverages that the licensee is permitted to sell from the licensed location pursuant to section 224 of this subchapter.

(b) For any alcoholic beverage sold pursuant to subdivision (a)(1) of this section, the first- or third-class licensee shall provide the alcoholic beverage in a container:

(1) with a securely affixed tamper-evident seal; and

(2) bearing a label that:

(A) states that the beverage contains alcohol; and

(B) lists the ingredients and serving size.

(c) A licensee may sell alcoholic beverages pursuant to this section between 10:00 a.m. and 11:00 p.m.

(d) The Board of Liquor and Lottery may adopt rules and forms necessary to implement this section.

Sec. 3. 7 V.S.A. § 253 is amended to read:

§ 253. FESTIVAL PERMITS

* * *

(b)(1) A festival required to be permitted under this section is any event that is open to the public for which the primary purpose is to serve one or more of the following: malt beverages, vinous beverages, fortified wines, or spirits.

(c) A festival permit holder is permitted to conduct an event that is open to the public at which one or more of the following are served: malt beverages, vinous beverages, fortified wines, or spirits.

(d) The permit holder shall ensure the following:

(1) Attendees at the festival shall be required to pay an entry fee of not less than \$5.00.

(2)(A) Malt beverages for sampling shall be offered in glasses that contain not more than 12 ounces with not more than 60 ounces served to any patron at one event.

(B) Vinous beverages for sampling shall be offered in glasses that contain not more than five ounces with not more than 25 ounces served to any patron at one event.

(C) Fortified wines for sampling shall be offered in glasses that contain not more than three ounces with not more than 15 ounces served to any patron at one event.

(D) Spirits for sampling shall be offered in glasses that contain not more than one ounce with not more than five ounces served to any patron at one event.

(E) Patrons attending a festival where combinations of malt, vinous, fortified wines, or spirits are mutually sampled shall not be served more than a combined total of six U.S. standard drinks containing 3.6 fluid ounces or 84 grams of pure ethyl alcohol.

(3) The event shall be conducted in compliance with all the requirements of this title.

(e)(1) A festival permit holder may purchase invoiced volumes of malt or vinous beverages directly from a manufacturer or packager licensed in Vermont, or a manufacturer or packager that holds a federal Basic Permit or Brewers Notice or evidence of licensure in a foreign country that is satisfactory to the Board.

(2) The invoiced volumes of malt or vinous beverages may be transported to the site and sold by the glass to the public by the permit holder or its employees and volunteers only during the event.

(e)(f) A festival permit holder shall be subject to the provisions of this title, including section 214 of this title, and the rules of the Board regarding the sale of the alcoholic beverages and shall pay the tax on the malt or vinous beverages pursuant to section 421 of this title.

(d)(g) A person shall be granted ~~no~~ not more than four festival permits per year, and each permit shall be valid for ~~no~~ not more than four consecutive days.

Sec. 4. 7 V.S.A. § 256 is amended to read:

§ 256. PROMOTIONAL TASTINGS FOR LICENSEES

(a)(1) At the request of a first- or second-class licensee, a holder of a manufacturer's, rectifier's, or wholesale dealer's license may distribute without charge to the first- or second-class licensee's management and staff, provided they are of legal age ~~and are off duty for the rest of the day~~, two ounces per person of vinous or malt beverages for the purpose of promoting the beverage.

(2) At the request of a holder of a third-class license, a manufacturer or rectifier of spirits or fortified wines may distribute without charge to the third-class licensee's management and staff, provided they are of legal age ~~and are off duty for the rest of the day~~, one-quarter ounce of each beverage and ~~no~~ not more than a total of one ounce to each individual for the purpose of promoting the beverage.

(3) No permit is required for a tasting pursuant to this subsection, ~~but written notice of the event shall be provided to the Division of Liquor Control at least two days prior to the date of the tasting.~~

* * *

Sec. 5. REPEAL

7 V.S.A. § 230 is repealed on July 1, 2023.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee Vote: 11-0-0

Rep. Mattos of Milton, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on General; Housing; and Military Affairs and when further amended as follows:

By striking out Sec. 6 in its entirety and inserting in lieu thereof the following:

Sec. 6. FEE REDUCTION FOR RENEWAL OF FIRST- AND THIRD-
CLASS LICENSES BY CLUBS; TEMPORARY PROVISION

Notwithstanding 7 V.S.A. § 204(a)(4) and (6), in the year 2021, the first- and third-class license renewal fees shall be waived for any club as defined in 7 V.S.A. § 2.

Sec. 7. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that Sec. 6 (Fee reduction for first- and third-class licenses) shall take effect on passage.

(Committee Vote: 11-0-0)

Favorable

H. 431

An act relating to miscellaneous energy subjects.

(Rep. Sims of Craftsbury will speak for the Committee on Energy and Technology.)

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

NOTICE CALENDAR

Favorable with Amendment

H. 360

An act relating to accelerated community broadband deployment.

(Rep. Sibia of Dover will speak for the Committee on Energy and Technology.)

Rep. Elder of Starksboro, for the Committee on Ways and Means, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

Rep. Feltus of Lyndon, for the Committee on Appropriations, recommends the bill ought to pass when amended as follows:

First: In Sec. 1, findings and intent, in subsection (a), by adding subdivision (18) to read as follows:

(18) The Department of Public Service estimates that 82 percent of Vermont addresses (254,000 locations) lack access to 100 Mbps symmetrical service. The total cost to provide 100 Mbps symmetrical service to each of these locations is approximately \$1,000,000,000.00. This figure is based on estimates in the Magellan Advisors' report commissioned by the Department, and it includes estimates of both fixed and variable capital costs for fiber to the premise infrastructure (Feasibility Study of Electric Companies Offering Broadband in Vermont, dated December 31, 2019).

Second: In Sec. 2, 30 V.S.A. chapter 91A, in section 8087, the Community Broadband Preconstruction Grant Program, by adding subsection (c) to read as follows:

(c) To ensure the expeditious allocation of funds prior to the organization of the Vermont Community Broadband Authority, the Department of Public Service is authorized to allocate up to \$9,000,000.00 under this Program on or before September 30, 2021.

Third: In Sec. 2, 30 V.S.A. chapter 91A, by striking out section 8088 in its entirety and inserting in lieu thereof a new section 8088 to read as follows:

§ 8088. CONSTRUCTION GRANT AND SUBORDINATED DEBT PROGRAM

(a) The Authority shall establish the Construction Grant and Subordinated Debt Program for communications union districts to support projects that are consistent with the funding priorities established in section 8086 of this chapter, including by supplementing financing under the Vermont Economic Development Authority's Broadband Expansion Loan Program.

(b) Lending and grant decisions under this section shall be made by the Vermont Community Broadband Authority Board of Directors. The Vermont Economic Development Authority shall service all loans made pursuant to this section. In the event of default by a loan recipient, the Vermont Economic Development Authority shall consult with the Vermont Community Broadband Authority prior to commencing any collection action.

Fourth: In Sec. 4a, position transfer, after the first sentence, by adding a new second sentence to read as follows: The position shall remain in the classified service created in 3 V.S.A. chapter 13.

Fifth: By striking out Sec. 23, appropriations; fund transfers, in its entirety and inserting in lieu thereof a new Sec. 23 to read as follows:

Sec. 23. APPROPRIATIONS; GRANT ADMINISTRATION

(a)(1) To the extent necessary, for appropriations using federal funds provided to the State by the American Rescue Plan Act of 2021 (ARPA), the Commissioner of Finance and Management is authorized to expend the funds in anticipation of receipts.

(2) In fiscal year 2021, to the extent permitted by federal law and guidance, \$150,000,000.00 of federal funds allocated to the State by the ARPA shall be appropriated as follows:

(A) \$30,000,000.00 to the Vermont Community Broadband Fund to support the Community Broadband Preconstruction Grant Program established in Sec. 2, 30 V.S.A. § 8087, of this act;

(B) \$120,000,000.00 to the Vermont Community Broadband Fund to support the Construction Grant and Subordinated Debt Program established in Sec. 2, 30 V.S.A. § 8088, of this act; and

(3) In fiscal year 2021, to the extent permitted by federal law and guidance, \$100,000.00 of federal funds allocated to the State by the ARPA shall be appropriated to the Department of Labor to support the broadband occupational needs survey required by Sec. 20 of this act and the broadband installer apprenticeship program established in Sec. 22 of this act as follows:

(A) \$3,000.00 to finance the development of the apprenticeship program;

(B) \$90,000.00 to support the related instruction tuition and on-the-job training contracts with employer-sponsors under the apprenticeship program; and

(C) \$7,000.00 to support non-federally funded work related to developing, conducting, and reporting on the occupational needs survey.

(c) In fiscal year 2022, the Authority is authorized to expend \$500,000.00 in anticipated receipts pursuant to 30 V.S.A. § 7523(b) (0.4 percent of the Vermont Universal Service Charge) to support the start-up costs of the Vermont Community Broadband Authority.

(d) The Vermont Community Broadband Authority shall be redesignated as the responsible entity for administering the \$1,000,000.00 grant award to the Department of Public Service by the Northern Border Regional Commission (NBRC) for the purpose of supporting communications union districts. Any position funded by the grant shall be overseen and managed by the Authority in a manner that is consistent with grant terms and conditions.

(Committee Vote 11-0-0)

H. 430

An act relating to expanding eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals regardless of immigration status.

(Rep. Black of Essex will speak for the Committee on Health Care.)

Rep. Yacovone of Morristown, for the Committee on Appropriations, recommends the bill ought to pass when amended as follows:

By striking out Secs. 2–4 in their entirety and inserting in lieu thereof three new sections to be Secs. 2–4 to read as follows:

Sec. 2. AGENCY OF HUMAN SERVICES; OUTREACH AND PROVIDER GRANTS; IMPLEMENTATION; APPROPRIATION

(a) The sum of \$1,400,000.00 in one-time funds is appropriated to the Agency of Human Services in fiscal year 2022 to be used for the following purposes:

(1) grants or reimbursements, or both, to health care providers for delivering health care services during fiscal year 2022 to children and pregnant individuals who are undocumented immigrants;

(2) grants to Vermont organizations that work with members of Vermont’s undocumented immigrant community or with members of the health care provider community to provide outreach and information regarding opportunities for children and pregnant individuals in Vermont who are undocumented immigrants to access health care services at low or no cost in fiscal year 2022 and thereafter; and

(3) implementing the technological and operational processes necessary for the Department of Vermont Health Access to administer the Dr. Dynasaur expansion as set forth in 33 V.S.A. § 1901c beginning on July 1, 2022.

Sec. 3. AGENCY OF HUMAN SERVICES; DR. DYNASAUR EXPANSION; FISCAL YEAR 2023 ESTIMATE

The Agency of Human Services shall provide information on the estimated fiscal year 2023 costs of expanding Dr. Dynasaur eligibility to undocumented immigrants pursuant to 33 V.S.A. § 1901c beginning on July 1, 2022 as part of the Agency’s fiscal year 2023 budget presentation to the House Committees on Appropriations and on Health Care and the Senate Committees on Appropriations and on Health and Welfare.

Sec. 4. EFFECTIVE DATES

(a) Sec. 2 (Agency of Human Services; outreach and provider grants; implementation; appropriation) shall take effect on July 1, 2021.

(b) The remaining sections shall take effect on passage, with the Agency of Human Services making coverage available to eligible undocumented immigrants under Dr. Dynasaur in accordance with Sec. 1 (33 V.S.A. § 1901c) beginning on July 1, 2022, subject to fiscal year 2023 appropriations for this purpose.

(Committee Vote 11-0-0)

Favorable

H. 433

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

(Rep. Lanpher of Vergennes will speak for the Committee on Transportation.)

Rep. Helm of Fair Haven, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar of March 18, 2021.

H.C.R. 27

House concurrent resolution recognizing July 2021 as Park and Recreation Month in Vermont and designating July 16, 2021 as Vermont Park and Recreation Professionals Day

H.C.R. 28

House concurrent resolution honoring Dr. William Ashe for his leadership and service on behalf of Vermonters with developmental and intellectual disabilities

Information Notice

CROSSOVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2)) on or before **Friday, March 12, 2021**, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day- Committee bills must be voted out of Committee by Friday, March 12, 2021.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 19, 2021**, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day.

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

Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills.

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

JFO #3039 - \$1,000,000 to the VT Dept of Public Safety from the U.S. Dept of Justice to develop and implement approaches to address a range of criminal justice system problems. The majority of funds will be awarded as sub-grants to organizations with expertise in this subject matter. *[JFO received 3/3/2021]*

JFO #3040 - Two (2) limited service positions, both Financial Manager I, to ensure financial record compliance for the anticipated \$200 million in COVID-19 related public assistance awards to the VT Agency of Human Services from the Federal Emergency Management Agency. Positions will be funded through previously approved JFO grant #3015. *[Note: Grant #3015 is a public assistance grant to reimburse eligible costs borne by state, local and non-profit entities in the COVID-19 emergency response – further info can be found here: https://lifo.vermont.gov/custom_reports/grants/default.html]**[JFO received 3/8/2021, expedited review requested on 3/9/2021]*

JFO #3041 - \$100,000 to the VT Dept. of Fish and Wildlife from Ducks Unlimited to fund a 25-year stewardship of 136 acres in Addison County. The land was donated by Ducks Unlimited with the condition that the Department perform stewardship duties. The yearly projected cost in materials and staff time is \$4,000. *[JFO received 3/08/2021]*

JFO #3042 - \$50,000 to the VT Judiciary from the State Justice Institute to secure consulting services of the National Center for State Courts to advise on the creation of an Access and Resource Center (ARC) which would serve self-represented parties and others looking for support navigating the justice

process. *[Note: The budget materials include a \$5,000 Judiciary cash match and \$20,000 of in-kind match.] [JFO received 3/08/2021]*