

# Senate Calendar

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THURSDAY, APRIL 8, 2021

SENATE CONVENES AT: 1:00 P.M.

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**ACTION CALENDAR**

**UNFINISHED BUSINESS OF WEDNESDAY, APRIL 7, 2021**

**Third Reading**

**H. 149.**

An act relating to modernizing statutes related to the Vermont National Guard.

**H. 338.**

An act relating to reapportionment proposal deadlines.

**NEW BUSINESS**

**House Proposal of Amendment to Senate Proposal of Amendment**

**H. 315**

An act relating to COVID-19 relief

The House concurs in the Senate proposal of amendment with further amendment thereto by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Federal Funding, Administration \* \* \*

Sec. 1. FEDERAL FUNDS; ANTICIPATED RECEIPTS

(a) To the extent that appropriations in this act are made from federal funds provided by the American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2, in the Coronavirus State Fiscal Recovery Fund and the Elementary and Secondary School Emergency Relief Fund, the Commissioner of Finance and Management is authorized to make expenditures in anticipation of receipts as necessary. The Commissioner shall immediately notify the House and Senate Committees on Appropriations, or the Joint Fiscal Committee through the Joint Fiscal Office when the General Assembly is not in session, if any such expenditure is later deemed impermissible by subsequent federal guidance.

(b) The Commissioner shall maximize the use of Federal Emergency Management Administration (FEMA) funds where expenses are eligible, and the use of FEMA funds does not delay or inhibit the purpose of the funded program or activity. To the extent that FEMA funding is used, the Commissioner shall reduce funding to the extent that FEMA resources reduce the need for appropriated resources.

(c) The appropriations in this act shall carry forward from fiscal year 2021 until expended.

Sec. 1a. AMERICAN RESCUE PLAN ACT OF 2021: ACCEPTANCE OF SPECIFIC FEDERAL GRANTS

(a) Notwithstanding 32 V.S.A. § 5, funds from the American Rescue Plan Act of 2021 (ARPA), the Coronavirus State Fiscal Recovery Fund, and the Coronavirus Capital Projects Fund shall be deposited into the State Treasury and are hereby accepted and shall be spent subject to appropriation.

(b) Notwithstanding 32 V.S.A. § 5, any funds received through Section 2001 of the Elementary and Secondary School Emergency Relief Fund and not required to be made as subgrants to local educational agencies in ARPA shall be spent subject to appropriation.

Sec. 1b. REPORTING BY ENTITIES OUTSIDE STATE GOVERNMENT ON USE OF FUNDS

Any recipient State agency that grants funds appropriated in this act to a non-State recipient shall require that recipient to report on the specific uses of the funds on or before November 1, 2021. Granting agencies shall compile and report on the use of these funds to the General Assembly by December 1, 2021.

Sec. 1c. INTENT REGARDING FUTURE STATE FUNDING

The purpose of funding appropriated from ARPA in this act is related to addressing impacts of the COVID-19 pandemic as well as making investments for a sustained economic recovery. The appropriation of these funds is not intended to create a future funding commitment from other State funds.

Sec. 2. REMAINING CORONAVIRUS RELIEF FUNDS; CARRYFORWARD, REVERSION, AND APPLICATION

(a) To the extent that Coronavirus Relief Fund (CRF) spending authority made through appropriation or by approval of the Joint Fiscal Committee remains available as of June 30, 2021, any amounts necessary to pay for expenditures that have been obligated but not paid out as of June 30, 2021 shall carry forward to fiscal year 2022.

(b) Prior to the close of fiscal year 2021, the Commissioner of Finance and Management is authorized to revert all unobligated CRF appropriations to the State CRF. In fiscal year 2021, the total amount of CRF reverted under this subsection shall be appropriated to any agency or department for CRF eligible public safety payroll and benefits costs or other eligible CRF costs and the same amount of General Fund appropriated shall be reverted. To the extent

there are insufficient CRF eligible costs in fiscal year 2021, any remaining reverted CRF balance shall be appropriated and carried forward to any agency or department with eligible CRF costs in fiscal year 2022 where an equal amount of general funds shall be reverted in fiscal year 2022 through the budget adjustment process.

(c) The Commissioner shall report to the House and Senate Committees on Appropriations on or before June 1, 2021 with estimates of each of the following: CRF carryforward need, CRF reversions, and total CRF appropriations to the Department of Corrections and other departments with eligible CRF costs; and the General Fund reversions anticipated on or before June 30, 2021 as authorized under this section. The report shall also include a brief description of the degree to which Federal Emergency Management Agency (FEMA) funding applications and awards are impacting these estimates. The Commissioner shall provide an update on these amounts to the Joint Fiscal Committee at its meeting in July 2021.

\* \* \* Commerce and Community Development; Targeted Business Grants \* \* \*

### Sec. 3. ECONOMIC RECOVERY BRIDGE GRANTS

#### (a) Purpose.

(1) The purpose of this section is to provide bridge funding to businesses that suffered a tax loss in 2020 and require immediate State aid, either to remain open or to reopen the business, until additional federal funds can be deployed and until the economic recovery provides a more stable stream of revenue to support business operations.

(2) The funding in this section is primarily intended for businesses that have not received prior State or federal financial assistance. Because these businesses have not benefited from State or federal programs, they are eligible for grants that will provide funding for fixed operating costs or a threshold amount in order to ensure they remain viable.

(3) To the extent that funds remain available, businesses that have already received prior State or federal assistance may receive grants under the program, with priority for those businesses that, after adding to the business's income the amount of any nontaxable COVID-19-related direct financial assistance from State or federal sources, the business still would have suffered a tax loss.

#### (b) Appropriation.

(1) In fiscal year 2021, the amount of \$10,000,000.00 is appropriated from the American Rescue Plan Act of 2021- Coronavirus State Fiscal

Recovery Fund to the Agency of Commerce and Community Development to provide grants to eligible businesses pursuant to this act.

(2) The Agency may use not more than five percent of the appropriated funds for the costs of administration, including technical assistance and guidance concerning potential eligibility for federal programs.

(3) The Agency shall make best reasonable efforts to conduct outreach, provide information, and provide necessary assistance for women- and BIPOC-owned businesses to access grant funds.

(c) Eligibility. To be eligible for a grant, a business shall meet the following criteria:

(1) The business is domiciled or has its primary place of business in Vermont.

(2) The business is organized and operated:

(A) on a for-profit basis, including a sole proprietor, partnership, limited liability company, business corporation, cooperative, or mutual benefit enterprise; or

(B) on a nonprofit or low-profit basis, including a mutual benefit corporation, public benefit corporation, and a low-profit limited liability company.

(3) The business:

(A) is open at the time of application and attests that it will use grant funds for business-related operations and economic recovery; or

(B)(i) is closed at the time of application due to the COVID-19 public health emergency;

(ii) attests that it will use grant funds for resuming its business operations and economic recovery; and

(iii) submits a brief written description of its good faith plan to reopen.

(4) The business suffered a tax loss due to the COVID-19 public health emergency as evidenced by its federal 2020 income tax return.

(5) The business complies with current State health and safety protocols established by Executive Order.

(d) Amount of grant.

(1) A grant shall not exceed the lesser of:

(A) three times the eligible business's fixed monthly expenses for commercial mortgage or rent, insurance, electricity, heat, water, sewer service, telecommunications service, and Internet service; or

(B) \$150,000.00.

(2) The Agency may reduce the amount of a grant pursuant to guidelines it adopts for that purpose based on the amount of any COVID-19-related direct financial assistance that the business has received from State or federal sources.

(e) Grant administration; priorities.

(1) Beginning on the date the Agency begins accepting applications, for an initial 30-day period, the Agency may accept applications from eligible businesses but shall award grants only to eligible businesses that have not received any COVID-19-related direct financial assistance from State or federal sources.

(2) After the initial 30-day period, the Agency shall continue to accept applications and award grants consistent with the following:

(A) The Agency shall give first priority to eligible businesses that have not received any COVID-19-related direct financial assistance from State or federal sources.

(B) The Agency shall give subsequent priority to eligible businesses that, after adding to the business's income the amount of any nontaxable COVID-19-related direct financial assistance from State or federal sources, the business still would have suffered a tax loss.

(f) Grant administration; use of funds; future grant awards. Any amounts that remain unspent through the program shall revert to the Agency of Commerce and Community Development for purposes of supplementing any future economic recovery grant program established prior to January 1, 2022 and, if no program is established, then to the American Rescue Plan Act of 2021 – Coronavirus State Fiscal Recovery Fund.

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

(1) establish application award procedures and a timeline for accepting applications;

(2) establish standards to determine whether an eligible business has its primary place of business in Vermont;

(3) establish standards for the use of grant funds for the purpose of business-related economic recovery;

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

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

(6) establish procedures to ensure that grant applicants comply with State and federal employment and labor laws.

(h) Reporting. The Agency shall submit two reports to the House Committees on Appropriations and on Commerce and Economic Development and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs detailing the implementation of this section, including specific information concerning the amount, identity, and demographic information of grant recipients, which shall be publicly available:

(1) an initial report following the 30-day approval period specified in subdivision (e)(1) of this section; and

(2) a final report not later than 30 days after program funds are exhausted.

(i) Auditing; compliance. The Agency shall include in all grant awards standard audit provisions, substantially similar to the audit provisions included pursuant to Administrative Bulletins 3.5 and 5.0, that provide that records pertaining to grant awards shall be retained and remain subject to audit and inspection by the Agency and the State Auditor of Accounts for a period of time specified by the Agency.

(j) Recapture. The Agency shall include in all grant awards standard recapture provisions, which shall include that a grant award may be subject to recapture if a recipient is found to be ineligible for the award or to have used an award for an ineligible purpose, consistent with the guidelines the Agency adopts pursuant to subsection (g) of this section.

### Sec. 3a. VERMONT MICROBUSINESS DEVELOPMENT FUNDING

The sum of \$500,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund in fiscal year 2021 to the Department for Children and Families, Office of Economic Opportunity, to be granted to the Community Action Agencies for the Statewide Community Action Network's Economic Micro Business Recovery Assistance for the COVID-19 Epidemic (EMBRACE) to assist the Vermont microbusiness



owners impacted by COVID-19 and for new businesses started by individuals 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.

\* \* \* Housing and Homeowner Assistance \* \* \*

Sec. 4. VERMONT HOUSING AND CONSERVATION BOARD,  
HOUSING AND FACILITIES

The sum of \$10,000,000.00 is appropriated from the General Fund to the Vermont Housing and Conservation Board in fiscal year 2021, which the Board shall use, in part through grants to nonprofit housing partners and service organizations, for housing and facilities necessary to provide safe shelter to lower-income and at-risk populations. These funds are intended to be expended as expeditiously as possible on projects ready to proceed in 2021 and designed to meet immediate housing needs.

Sec. 5. HOMEOWNER; MORTGAGE ASSISTANCE FORECLOSURE  
PREVENTION

The sum of \$5,000,000.00 is appropriated from the Coronavirus Relief Funds in fiscal year 2021 to the Department of Housing and Community Development for a grant to the Vermont Housing Finance Agency to provide financial and technical assistance to stabilize low- and moderate-income homeowners and prevent home foreclosures for Vermont families. To the extent permitted by federal law and guidance, these funds may be used to provide mortgage assistance retroactively to January 1, 2021.

\* \* \* Human Services, Mental Health and Health Care \* \* \*

Sec. 6. DEPARTMENT OF MENTAL HEALTH; EMERGENCY  
OUTREACH SERVICES GRANTS

The sum of \$300,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 for grants to peer-led and impacted member-led organizations for emergency outreach services to address COVID-19-related needs. Of these funds, the Department shall allocate \$150,000.00 to a mental health peer-support organization and \$150,000.00 to an organization supporting the needs of LGBTQ youths.

#### Sec. 7. DEPARTMENT OF MENTAL HEALTH; HOUSING

The sum of \$4,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 to make existing housing and community-based service facilities providing mental health services more accessible, safe, and compliant with the Americans with Disabilities Act or to expand capacity in community settings. The Department shall select the projects in consultation with the Agency of Human Services Secretary's Office, the Department of Disabilities, Aging, and Independent Living, and representatives of the designated agencies, specialized service agencies, and peer organizations. The grants shall be awarded to organizations that demonstrate the greatest ability to respond immediately to the need for housing and shall be for projects that will not require additional State funds for operating costs in future years. At least one grant shall be awarded to a peer-run or peer-directed housing organization. The Department of Mental Health shall partner with the Agency of Human Services Secretary's Office and the Department of Disabilities, Aging, and Independent Living to include as potential grant candidates all designated and specialized service agencies that provide developmental disability or mental health services.

#### Sec. 8. DEPARTMENT OF MENTAL HEALTH; CASE MANAGEMENT SERVICES

The sum of \$850,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 to provide funds to the designated community mental health agencies to enable them each to hire an additional case manager to provide case management services to Vermont residents who may not previously have been part of an agency's caseload but whose lives have been significantly disrupted by the COVID-19 pandemic and who are now urgently in need of these agencies' supports. Agencies have the flexibility to identify where the targeted need exists within their agency, across all programs. The purpose of the funds appropriated in this section is limited to addressing the impacts related to the COVID-19 pandemic and the appropriation of these funds is not intended to create an ongoing funding commitment.

Sec. 9. DEPARTMENT OF MENTAL HEALTH; WORKFORCE  
TRAINING AND WELLNESS SUPPORTS

The sum of \$150,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Mental Health in fiscal year 2021 for training and wellness supports for frontline health care workers to help them meet Vermont residents' current mental health needs, such as training for emergency department personnel responding to an increased demand for crisis services as a result of the COVID-19 pandemic and training on trauma-informed and trauma-specific care for mental health professionals responding to the surge in mental health treatment needs. These workers would also benefit from wellness supports as they continue to care for people in crisis while experiencing their own stress, anxiety, and trauma as a result of the pandemic.

Sec. 9a. RECOVERY CENTER SUPPLEMENTAL GRANTS

The sum of \$240,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Health to make grants of \$20,000.00 to cover the financial impacts of the ongoing COVID-19 pandemic at each of the recovery centers statewide.

Sec. 10. SUPPORTS FOR NEW AMERICANS, REFUGEES, AND  
IMMIGRANTS

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

(1) interpretation and translation services related to COVID-19, including accessing testing and vaccines;

(2) purchasing laptops and providing digital literacy for households to ensure that children can attend school remotely, that families can access telehealth services, and that adult family members can find employment;

(3) providing case management services related to an increased need related to housing assistance, workforce development, and employment coaching; and

(4) providing navigation of Reach Up, 3SquaresVT, and other public assistance programs following job losses.

Sec. 11. GRANTS TO REACH UP PARTICIPANTS

The sum of \$1,300,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department for Children and Families in fiscal year 2021 for the purposes of distributing monies to families participating in the Reach Up program. These funds shall be distributed in a manner similar to the distribution of funds to this population pursuant to 2020 Acts and Resolves No. 136, Sec. 15.

Sec. 12. VERMONT FOOD BANK

(a) The sum of \$1,376,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund in fiscal year 2021 to the Agency of Human Services' Central Office to be granted to the Vermont Food Bank to pay the costs of the Vermont Farmers to Families Food Box Program for the months of January and February 2021.

(b) The sum of \$82,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund in fiscal year 2021 to the Agency of Human Services' Central Office to be granted to the Vermont Food Bank for statewide provision of diapers to families in need.

Sec. 13. GRANT TO THE ASSOCIATION FOR THE BLIND AND VISUALLY IMPAIRED

The sum of \$100,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Disabilities, Aging, and Independent Living in fiscal year 2021 to be granted to the Vermont Association for the Blind and Visually Impaired for a technology training program for older Vermonters who experience decreased vision and blindness and others who are blind or visually impaired to address social isolation resulting from social distancing.

Sec. 14. GREEN MOUNTAIN CARE BOARD; DEPARTMENT OF HEALTH; HEALTH CARE DISPARITIES; DATA COLLECTION AND ANALYSIS

(a) The sum of \$66,000.00 is appropriated from the General Fund to the Green Mountain Care Board in fiscal year 2021 to provide the State share pursuant to 18 V.S.A. § 9374(h) for updates to the Vermont Healthcare Claims Uniform Reporting and Evaluation System (VHCURES) to improve data collection related to health equity.

(b) The sum of \$134,000.00 is appropriated from the General Fund to the Department of Health in fiscal year 2021 for collection and analysis of demographic data, including race and ethnicity data, regarding Vermont residents who experience health disparities.

Sec. 14a. 18 V.S.A. § 1129(d) and (e) are amended to read:

(d) The Department may provide confidential registry information to health care provider networks serving Vermont patients, to the Vermont Health Information Exchange, and, with the approval of the Commissioner, to researchers who present evidence of approval from an institutional review board in accordance with 45 C.F.R. § 164.512.

(e) Prior to releasing confidential information pursuant to subsections (c) and (d) of this section, the Commissioner shall obtain from State registries, health care provider networks, the Vermont Health Information Exchange, and researchers a written agreement to keep any identifying information confidential and privileged.

\* \* \* Education \* \* \*

#### Sec. 15. SCHOOL INDOOR AIR QUALITY GRANT PROGRAM

(a) Appropriation. In fiscal year 2021, \$15,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund for the Pre-K–12 Education Pandemic - School Indoor Air Quality Grant Program established in 2020 Acts and Resolves No. 120, Sec. A.51. This appropriation may be adjusted if the Commissioner of Finance and Management determines that FEMA funds will be awarded for this purpose. At the Agency’s discretion, the funds authorized by this section shall be either granted by the Agency of Education or paid to Efficiency Vermont to carry out the duties listed in 2020 Acts and Resolves No. 120, Sec. A.51(e). Efficiency Vermont is authorized to use up to \$250,000.00 of the \$15,000,000.00 appropriated under this section for direct labor costs.

(b) Authorization. Efficiency Vermont shall require that any school that receives a grant through the School Indoor Air Quality Grant Program established in 2020 Acts and Resolves No. 120, Sec. A.51 authorize Efficiency Vermont to release the school name and grant amount in any report requested by the General Assembly.

(c) Reporting. Upon expenditure of the funds, the Agency of Education shall report to the House and Senate Committees on Appropriations on the specific uses of the funds appropriated in subsection (a) of this section on or before March 15, 2022.

Sec. 16. EDUCATION SERVICES; FEDERAL FUNDS APPROPRIATIONS

(a) Afterschool and Summer Programs: In fiscal year 2021 and to be carried forward, the sum of \$4,000,000.00 is appropriated from federal funds for Elementary and Secondary School Relief (ESSR) provided in the American Rescue Plan Act of 2021 Section 2001(f) to the Agency of Education to be used for grants to afterschool and summer programs. At least \$2,000,000.00 of these grants shall be made with consultation from and approval of the Child Development Division in the Department for Children and Families. These funds shall be used to fulfill requirements specified in the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(2) and (3).

(b) Summer Meals: In fiscal year 2021 and to be carried forward, the sum of \$5,500,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Agency of Education to ensure that children and families have access to nutritious foods throughout the summer. This appropriation may be adjusted if the Commissioner of Finance and Management determines that FEMA funds will be awarded for this purpose.

Sec. 17. PRACTICAL NURSE; WORKFORCE FUNDING

(a) Due to the increasing challenge of the pandemic on the health professions, the sum of \$1,400,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Vermont State Colleges to open 40 to 45 seats in the Practical Nurse Program in partnership with skilled nursing facilities across the State to upskill existing staff to achieve certification as a practical nurse. These funds shall be used as follows:

(1) Up to \$500,000.00 for administrative and start-up costs for Vermont Technical College.

(2) Up to \$260,000.00 in incentive payments in the amount of \$6,000.00 per student to offset lost income during enrollment in the Program.

(3) All remaining funds shall be allocated for tuition and fees payments for required prerequisite courses at Community College of Vermont and for the Practical Nurse Program at Vermont Technical College after available federal and State financial aid is applied to ensure no cost to the student.

(b) To be eligible to participate in the program, a skilled nursing facility shall provide an incentive match in the amount of \$4,000.00 per student during enrollment in the Program.

Sec. 18. WORKFORCE UPSKILL OPPORTUNITY

(a) For Vermonters whose employability or employer has been impacted by the Coronavirus since March of 2020, the sum of \$3,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Vermont State Colleges to provide up to two free classes in the summer or fall of 2021 and spring 2022 at any of the Vermont State Colleges for any Vermont resident who is seeking to transition to a new career or to enhance the resident's job skills.

(b) The sum of \$1,000,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the University of Vermont to provide up to two free classes in summer or fall of 2021 and spring 2022 for any Vermont resident who is seeking to transition to a new career or to enhance the resident's job skills.

Sec. 19. RECENT HIGH SCHOOL GRADUATES; ADVANCEMENT OPPORTUNITY

Due to the economic impact of the pandemic on the families of recent high school graduates, the sum of \$2,800,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Vermont Student Assistance Corporation (VSAC) to provide up to two free classes in the summer or fall of 2021 and spring of 2022 at any of the Vermont State Colleges for any Vermont 2020 or 2021 high school graduate to enhance the graduate's work or academic skills. VSAC may provide a stipend of \$200.00 per student per class for transportation, books, or other class or attendance-related costs, and may allocate up to \$100,000.00 for the cost of administering this program.

Sec. 20. [Deleted.]

\* \* \* Public Service; Broadband \* \* \*

Sec. 21. BROADBAND ALLOCATIONS AND APPROPRIATIONS

(a) Coronavirus Relief Fund Authorization and Allocation: Notwithstanding any other provision of law to the contrary, the Department of Public Service is authorized to use \$3,200,000.00 of the unobligated balance remaining from the CRF monies appropriated to the Department for broadband programs in 2020 Acts and Resolves No. 137 as follows:

(1) \$1,600,000.00 shall be allocated for additional assistance under the COVID-Response Line Extension Customer Assistance Program established in 2020 Acts and Resolves No. 137, Sec. 13. The customer costs eligible for financial assistance under this Program shall include costs for associated equipment such as routers and modems; and

(2) \$1,600,000.00 shall be allocated to extend the COVID-Response Temporary Broadband Lifeline Program established in 2020 Acts and Resolves No. 137, Sec. 13(d) for the covered period beginning on March 1, 2021 and extending until such funds are depleted. The subsidy under this Program may be used for the provision of broadband service and connected devices.

(b) The sum of \$1,800,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Department of Public Service as follows:

(1) \$1,600,000.00 for a broadband infrastructure program to assist Communications Union Districts (CUD) with preconstruction costs and general support services. Applicants may be:

(A) an individual CUD;

(B) a group of CUDs working together on a single project; or

(C) an external partner working with a single CUD or group of CUDs.

(2) \$200,000.00 to fund the following:

(A) contract services to provide outreach, technical assistance, and other support services to CUDs;

(B) restoration of the Vermont Relay Conference Captioning (RCC) service for remote conference calling service for the deaf or hard of hearing; and

(C) Wi-Fi hotspot license renewals.

\* \* \* Natural Resources and Agriculture \* \* \*

## Sec. 22. NATURAL RESOURCES AND AGRICULTURE

(a) In fiscal year 2021, funds are appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund as follows:

(1) \$3,000,000.00 to the Agency of Agriculture, Food and Markets for the Working Lands Program. Of these funds, \$500,000.00 is allocated for grants related to slaughter, meat processing and meat processing training proposals.

(2) \$5,000,000.00 to the Agency of Natural Resources' Central Office for investments to improve recreational infrastructure and access on State lands and to fund repairs and improvements to Vermont's trail network on both private and public land.



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

(1) \$14,000,000.00 to the Department of Environmental Conservation for brownfield remediation and environmental clean-up and related administrative costs. Including two classified limited service positions to be established in the Department of Environmental Conservation - one (1) environmental analyst and one (1) grant management specialist.

(2) \$5,000,000.00 to the Department of Forests, Parks and Recreation for the Vermont Outdoor Recreation Economic Collaborative (VOREC).

(3) \$250,000.00 to the Agency of Agriculture for continuation of work in soil conservation practice and payment for ecosystem services including the costs of the task force established by 2019 Acts and Resolves No. 83.

\* \* \* Annual Link to Federal Statutes \* \* \*

Sec. 23. 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect on December 31, ~~2019~~ 2020, 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, and shall continue in effect as adopted until amended, repealed, or replaced by act of the General Assembly.

Sec. 23a. 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, ~~2019~~ 2020, which shall continue in effect as adopted until amended, repealed, or replaced by act of the General Assembly. As used in this chapter, “Internal Revenue Code” has the same meaning as “laws of the United States” as defined in this subdivision.

Sec. 23b. ARPA EXCLUSION OF UNEMPLOYMENT COMPENSATION FROM GROSS INCOME; TAX YEAR 2020

(a) For taxable year 2020 only, 32 V.S.A. § 5824, adoption of federal income tax laws, shall also adopt 26 U.S.C. § 85(c) as amended by Section 9042 of the American Rescue Plan Act, Pub. L. No. 117-2, pursuant to which the first \$10,200.00 of unemployment compensation received is excluded from the gross income of a taxpayer whose taxable year 2020 adjusted gross income is less than \$150,000.00.

(b) For taxable year 2020 only, notwithstanding 26 U.S.C. § 85(c) as amended by Section 9042 of the American Rescue Plan Act, Pub. L. No. 117-2, the definition of household income pursuant to 32 V.S.A. § 6061(4)(A) and (5) shall include all unemployment compensation received by a taxpayer in taxable year 2020.

Sec. 23c. EXCLUSION OF FORGIVEN PAYCHECK PROTECTION PROGRAM LOANS FROM GROSS INCOME

Notwithstanding 32 V.S.A. § 5824 and any other provision of law to the contrary, the exclusion of income associated with the forgiveness of a covered Paycheck Protection Program loan from gross income pursuant to the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, § 1106(i), as amended, and the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, § 276 shall not be allowed in computing taxable income under 32 V.S.A. chapter 151. As used in this section, “covered loan” has the same meaning as in the CARES Act, § 1106(a), as amended. Nothing in this section shall affect the deduction of expenses to the extent that payment of the expenses results in forgiveness of a covered loan pursuant to the CARES Act, Pub. L. No. 116-136, § 1106, as amended, and the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, § 276.

Sec. 24. FISCAL YEAR 2021 CONTINGENT USE OF RESERVE

(a) In fiscal year 2021, if the General Fund is found to have an undesignated fund deficit, the Commissioner of Finance and Management is authorized to transfer not more than \$12,600,000.00 from the Human Services Caseload Reserve established in 32 V.S.A. § 308b to offset the undesignated fund deficit prior to making a transfer in accordance with 32 V.S.A. § 308(c).

(b) If a transfer from the Human Services Caseload Reserve is made pursuant to subsection (a) of this section, then the Commissioner of Finance and Management shall recommend to the House and Senate Committees on Appropriations that the same amount be transferred from the General Fund to the Human Services Caseload Reserve Fund in the fiscal year 2022 budget adjustment process.

\* \* \* Technical Assistance \* \* \*

Sec. 25. [Deleted]

Sec. 26. PROVISION OF TECHNICAL ASSISTANCE SERVICES TO LOCAL GOVERNMENTS

(a) The sum of \$950,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Agency of Commerce and Community Development to be granted as follows:

(1) \$650,000.00 to establish a support program through State fiscal year 2024 for the use of federal funds received under 42 U.S.C. 801 § 603, the Coronavirus Local Fiscal Recovery Fund. These resources shall be used to work with local governments to facilitate the local communities' efforts to:

(A) respond to the public health emergency with respect to COVID-19 and its negative economic impacts;

(B) assist with fund reporting, accountability, transparency, and usage technical assistance where necessary;

(C) provide for other guidance to ensure that funds received pursuant to 42 U.S.C. 801 § 603 funds are used in accordance with federal law and regulations; and

(D) provide guidance; model templates and policies; and training on ARP compliant finance and program management.

(2) \$300,000.00 to one or more regional planning commissions, to be used through State fiscal year 2024, to establish and implement a capacity to assist local communities with specific project management needs in expending federal funds received under 42 U.S.C. 801 § 603. The regional planning commissions shall use these resources to work with local governments to facilitate the local communities' efforts to:

(A) identify needs and top priorities for designing and building projects that are consistent with State and federal law; implement existing State, regional and local plans; and do not duplicate investments made by other federal recovery funds;

(B) respond to inquiries on eligibility and to facilitate local discussions among stakeholders on specific projects; and

(C) provide other assistance as needed from local communities in coordination with the grantee chosen in subsection (a) of this section.

\* \* \* Other Miscellaneous Amendments \* \* \*

#### Sec. 27. VERMONT CENTER FOR CRIME VICTIM SERVICES

The sum of \$27,500.00 is appropriated from the General Fund in fiscal year 2021 to the Vermont Center for Crime Victim Services for a grant to the Burlington Community Justice Center for the St. Joseph's Orphanage Restorative Inquiry.

Sec. 28. AUDIT OF SHERIFFS' USE OF STATE PAID DEPUTIES

The sum of \$25,000.00 is appropriated from the General Fund in fiscal year 2021 to the Vermont State Auditor to contract for up to five audits or reviews of the use of State paid deputies by county sheriffs during the state of emergency in calendar year 2020.

Sec. 29. HEALTHCARE WAIVERS: LEGISLATIVE CAPACITY

The Joint Fiscal Office is authorized to use available legislative appropriations including carryforward funds to engage a consultant to assist the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare to consider the policy and fiscal implications and opportunities related to renegotiation of the State's Global Commitment to Health Medicaid Section 1115 demonstration and continuation of the All Payer ACO Model agreement with the Centers for Medicare and Medicaid Services.

Sec. 30. 2020 Acts and Resolves No. 154, Sec. B.1123.1 is amended to read:

Sec. B.1123.1 FISCAL YEAR 2021 YEAR-END CLOSEOUT TRANSFERS

(a) At the close of fiscal year 2021, after the application of the provisions of 32 V.S.A. § 308(b), and before the application of 32 V.S.A. § 308(e) 308c up to \$5,000,000 of any remaining unreserved and undesignated end of fiscal year 2021 General Fund surplus shall be allocated as follows:

\* \* \*

Sec. 31. 2020 Acts and Resolves No. 154, Sec. B.330 as amended by 2021 Acts and Resolves No. 3 (Budget Adjustment Act) Sec. 25 is further amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,375,620</u>	<u>19,375,620</u>
Total	19,375,620	19,375,620
Source of funds		
General fund	7,454,782	7,454,782
Federal funds	<del>7,748,373</del>	7,148,466
Global Commitment fund	<u>4,172,465</u>	<u>4,772,372</u>
Total	19,375,620	19,375,620

Sec. 32. 2020 Acts and Resolves No. 154, Sec. B.338 as amended by 2021 Acts and Resolves No. 3, Sec. 28 is further amended to read:

Sec. B.338 Corrections - correctional services

Personal services	115,752,606	115,752,606
Operating expenses	23,059,297	23,059,297
Grants	<u>8,808,427</u>	<u>8,808,427</u>
Total	147,620,330	147,620,330
Source of funds		
General fund	<del>135,553,733</del>	128,553,733
Special funds	935,963	935,963
Federal Coronavirus Relief Fund	4,950,000	11,950,000
Federal funds	473,523	473,523
Global Commitment fund	5,310,796	5,310,796
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	147,620,330	147,620,330

Sec. 32a. 2020 Acts and Resolves No. 154, Sec. B.346, as amended by 2021 Acts and Resolves No. 3, Sec. 30, is further amended to read:

Sec. B.346 Total human services

Source of funds		
General fund	<del>977,495,760</del>	970,495,760
Special funds	116,403,523	116,403,523
Tobacco fund	25,088,208	25,088,208
State health care resources fund	17,078,501	17,078,501
Federal Coronavirus Relief Fund	<del>17,774,276</del>	24,774,276
Federal funds	<del>1,471,852,944</del>	1,471,253,037
Global Commitment fund	<del>1,592,184,231</del>	1,592,784,138
Internal service funds	1,930,685	1,930,685
Interdepartmental transfers	46,869,842	46,869,842
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	4,266,702,970	4,266,702,970

\* \* \* Effective Dates \* \* \*

Sec. 33. EFFECTIVE DATES

This act shall take effect on passage, except that, notwithstanding 1 V.S.A. § 214:

(1) Sec. 5 (mortgage assistance foreclosure prevention) shall take effect retroactively on January 1, 2021;

(2) Secs. 23–23b (annual link to federal statutes) shall take effect retroactively on January 1, 2021 and shall apply to taxable years beginning on and after January 1, 2020; and

(3) Sec. 23c (forgiven Paycheck Protection Program loan exclusion) shall take effect retroactively on January 1, 2021 and shall apply to taxable years beginning on and after January 1, 2021.

## NOTICE CALENDAR

### Proposed Amendments to the Vermont Constitution

Pursuant to Rule 83 of the Senate Rules, notice is hereby given that proposed amendments to the Constitution, set forth below, will be read the third time and acted upon, on the seventh legislative day commencing Wednesday, March 31, 2021. At that time, the following question shall be presented: “Shall the Senate concur in the proposal and request the concurrence of the House?”

### PROPOSAL 2

#### (Sixth day on Notice Calendar pursuant to Rule 83)

Subject: Declaration of rights; clarifying the prohibition on slavery and indentured servitude

**PENDING ACTION:** Third reading of the proposal (second biennium)

### PROPOSAL 2

#### Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to clarify that slavery and indentured servitude in any form are prohibited.

Sec. 2. Article 1 of Chapter I of the Vermont Constitution is amended to read:

Article 1. [All persons born free; their natural rights; slavery and indentured servitude prohibited]

That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore ~~no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after arriving to the age of twenty one years, unless bound by the person’s own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like~~ slavery and indentured servitude in any form are prohibited.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

**PROPOSAL 5**

**(Sixth day on Notice Calendar pursuant to Rule 83)**

Subject: Declaration of rights; right to personal reproductive liberty

**PENDING ACTION:** Third reading of the proposal (second biennium)

PROPOSAL 5

Sec. 1. PURPOSE

(a) This proposal would amend the Constitution of the State of Vermont to ensure that every Vermonter is afforded personal reproductive liberty. The Constitution is our founding legal document stating the overarching values of our society. This amendment is in keeping with the values espoused by the current Vermont Constitution. Chapter I, Article 1 declares “That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights.” Chapter I, Article 7 states “That government is, or ought to be, instituted for the common benefit, protection, and security of the people.” The core value reflected in Article 7 is that all people should be afforded all the benefits and protections bestowed by the government, and that the government should not confer special advantages upon the privileged. This amendment would reassert the principles of equality and personal liberty reflected in Articles 1 and 7 and ensure that government does not create or perpetuate the legal, social, or economic inferiority of any class of people. This proposed constitutional amendment is not intended to limit the scope of rights and protections afforded by Article 7 or any other provision in the Vermont Constitution.

(b) The right to reproductive liberty is central to the exercise of personal autonomy and involves decisions people should be able to make free from compulsion of the State. Enshrining this right in the Constitution is critical to ensuring equal protection and treatment under the law and upholding the right of all people to health, dignity, independence, and freedom.

Sec. 2. Article 22 of Chapter I of the Vermont Constitution is added to read:

Article 22. [Personal reproductive liberty]

That an individual's right to personal reproductive autonomy is central to the liberty and dignity to determine one's own life course and shall not be denied or infringed unless justified by a compelling State interest achieved by the least restrictive means.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

### **ORDERED TO LIE**

#### **S. 100.**

An act relating to universal school breakfast and lunch for all public school students and to creating incentives for schools to purchase locally produced foods.

### **CONCURRENT RESOLUTIONS FOR NOTICE**

#### **Concurrent Resolutions For Notice Under Joint Rule 16**

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration should be communicated to the Secretary's Office.

**H.C.R. 35 - 41** (For text of Resolutions, see Addendum to House Calendar for April 8, 2021)

### **CONFIRMATIONS**

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.



Joseph Flynn of South Hero – Secretary, Agency of Transportation – By Sen. Mazza for the Committee on Transportation. (3/19/21)

Wanda L. Minoli of Montpelier – Commissioner, Department of Motor Vehicles – By Sen. Ingalls for the Committee on Transportation. (3/19/21)

Jennifer M. Fitch of Montpelier – Commissioner, Department of Buildings and General Services – By Sen. Benning for the Committee on Institutions. (3/26/21)

Michael Schirling of Burlington – Commissioner, Department of Public Safety – By Senator Ingalls for the Committee on Transportation. (3/26/21)

Sarah Squirrell of Waterbury Center – Commissioner, Department of Mental Health – Sen. Hooker for the Committee on Health and Welfare. (4/2/21)

Cory G. Gustafson of Montpelier – Commissioner, Department of Vermont Health Access – By Sen. Cummings for the Committee on Health and Welfare. (4/6/21)

Michael K. Smith of Westford – Secretary, Agency of Human Services – By Sen. Lyons for the Committee on Health and Welfare. (4/6/21)

Sean P. Brown of Washington – Commissioner, Department for Children and Families – By Sen. Hooker for the Committee on Health and Welfare. (4/7/21)

Dr. Jessica Holmes of Cornwall – Member, Green Mountain Care Board – Sen. Hardy for the Committee on Health and Welfare. (4/7/21)

Mark A. Levine, MD of Shelburne – Commissioner, Department of Health – By Sen. Hardy for the Committee on Health and Welfare. (4/7/21)

### **JFO NOTICE**

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

**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://ljfo.vermont.gov/custom\\_reports/grants/default.html](https://ljfo.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]*

**JFO #3043** - \$4,284,369 from the US Dept of Education to the VT Agency of Education for assistance to VT's approved and recognized non-profit independent schools to address educational disruptions caused by COVID-19. Funds will be managed by the VT Agency of Education. *[NOTE: Funds will be used with the GEER EANS program: Governor's Emergency Education Relief (GEER) Emergency Assistance to Non-public Schools (EANS). This program is replacing Equitable Services in ESSER II and III. Please see this [overview](#) of how the funds will be used by the AOE to support independent schools.]*

*[JFO received 4/5/2021]*

**JFO #3044** – One (1) limited service position to the VT Dept. of Disabilities, Aging and Independent Living to develop a Northeast Network of mental health counselors familiar with farmer related stressors. Total first year amount of \$146,766 from the U.S. Department of Agriculture. Position has been approved for 1 year and is expected to be approved for 2 additional years.

*[JFO received 4/05/2021]*

## **FOR INFORMATION ONLY**

### **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) and the exceptions listed below) on or before **Friday, March 12, 2021**, and filed with the Secretary/Clerk so 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 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).**

#### **FOR INFORMATIONAL PURPOSES**

#### **CONSTITUTIONAL AMENDMENTS**

The 2021-2022 Biennium is the Third Reading of two proposals of amendment. They were read the second time during the 2019-2020 Biennium.

The proposals are on the Notice Calendar for six (6) days and will be up for action for Third Reading on the seventh day.

Each proposal is acted upon separately. Senate Rule 83.

At Third Reading:

1. The vote on any constitutional proposal is by roll call. Senate Rule 83.
2. The questions is: “Shall the Senate concur in proposal #, and request the concurrence of the House? Senate Rule 83.
3. For this question to pass, 16 members of the Senate must vote in the affirmative. The Vermont Constitution requires an affirmative vote of a majority of the members of the Senate. Vermont Constitution §72.

There are no amendments at Third Reading of a constitutional amendment.