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ACTION CALENDAR

UNFINISHED BUSINESS OF WEDNESDAY, APRIL 28, 2021

House Proposal of Amendment

S. 114

An act relating to improving prekindergarten through grade 12 literacy within the State.

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

* * * Purpose * * *

Sec. 1. PURPOSE

(a) The purpose of this act is to continue the ongoing work to improve literacy for all students in the State while recognizing that achieving this goal will require a multiyear and multidimensional effort requiring continued focus by the General Assembly, the Administration, and school leaders.

(b) The State has been awarded Elementary and Secondary School Emergency Relief (ESSER) funding under the American Rescue Plan Act of 2021 Section 2001(f) to carry out, directly or through grants or contracts, activities to address learning loss by supporting the implementation of evidence-based interventions, such as summer learning or summer enrichment programs, extended day programs, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on at-risk student populations, students experiencing homelessness, and children and youths in foster care, including by providing additional support to local educational agencies to fully address such impacts.

(c) The purpose of the technical support for supervisory unions under Sec. 3 of this act and the contractor support for the Agency of Education under Sec. 4 of this act is to carry out activities to address learning loss and improve literacy outcomes.

* * * Findings * * *

Sec. 2. FINDINGS

(a) Addressing literacy outcomes is a key strategy for the successful implementation of 2018 Acts and Resolves No. 173. The following findings from the report entitled “Expanding and Strengthening Best-Practice Supports for Students who Struggle” issued by the District Management Group in November 2017, which informed the development of Act 173, support the urgency to improve Vermont’s literacy outcomes relative to special education reform:

(1) “Investing in the effectiveness of core reading instruction is critical for students in general education and students with disabilities.”

(2) “Students with mild-to-moderate disabilities who struggle with reading may not be supported by teachers skilled in the teaching of reading.”

(3) “While some special education teachers across the supervisory unions had a strong background in the teaching of reading, others indicated that they did not have the training or background to be effective supporting students struggling in reading.”

(b) The following data indicate Vermont needs to improve its literacy outcomes at the early grades:

(1) Smarter Balanced Assessment Consortium results from 2016 to 2018 indicate that only about 50 percent of students in grade three were proficient in English Language Arts in each of these years.

(2) From 2015 to 2019, Vermont’s average scale in grade four reading on the National Assessment of Educational Progress dropped every year from a high of 230 to a low score of 222.

(c) The COVID-19 emergency has adversely affected student academic and developmental progress. Failure to address literacy outcomes now could significantly impact student development for many years to come, since literacy is foundational to the success of each student.

(d) The General Assembly recognizes that improving literacy outcomes is a significant challenge for school systems and their constituencies, and that they will require time and assistance in making necessary changes.

* * * Assistance to Support Improved Literacy Outcomes * * *

Sec. 3. ASSISTANCE TO SUPPORT IMPROVED LITERACY
OUTCOMES

(a) In recognition that literacy proficiency is a foundational learning skill, the technical support provided in this section is designed to assist supervisory unions improve literacy outcomes as part of their implementation of 2018 Acts and Resolves No. 173.

(b)(1) The Agency of Education shall use the funding under Sec. 4(b) of this act to:

(A) provide professional development learning modules for teachers in methods of teaching literacy in the five key areas of literacy instruction as identified by the National Reading Panel, which are phonics, phonemic awareness, vocabulary, fluency, and reading comprehension; and

(B) assist supervisory unions in implementing evidence-based systems-wide literacy approaches that address learning loss due to the COVID-19 pandemic.

(2) The Agency of Education shall, in accordance with the assurances required to be given by the Secretary of Education to the U.S. Department of Education under the American Rescue Plan Act of 2021, direct this funding to:

(A) address learning loss through the implementation of evidence-based interventions that respond to students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on student groups most impacted by the pandemic and for whom the pandemic exacerbated pre-existing inequities; and

(B) school districts that need additional support as evidenced by their needs assessment priorities in their COVID-19 recovery plans.

(c) The Agency of Education shall use the funding under Sec. 4(a) of this act to retain one or more contractors to provide the following technical assistance to supervisory unions:

(1) recommend how federal funds can be used to implement 2018 Acts and Resolves No. 173 in the context of improving literacy outcomes;

(2) recommend evidence-based best practices in teaching literacy instruction to students in prekindergarten through grade 3;

(3) recommend how to provide professional development for teachers and school leaders in methods of teaching literacy; and

(4) recommend policies, procedures, and other methods to ensure that improvements in literacy outcomes are sustained.

*** Agency of Education; Literacy Staffing; Appropriations ***

Sec. 4. AGENCY OF EDUCATION; CONTRACTOR; APPROPRIATIONS

(a) There is appropriated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 the amount of \$450,000.00 for the costs of the contractor or contractors under Sec. 3 of this act for fiscal years 2022, 2023, and 2024. The Agency may shift the use of this funding from the contractor or contractors to a limited service position that would expire at the end of fiscal year 2024 within the Agency focused on coordinating the Statewide literacy efforts.

(b) The sum of \$3,060,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(1), Pub. L. No. 117-2 to the Agency of Education in fiscal year 2022 for providing professional development learning modules for teachers in methods of teaching literacy and assisting supervisory unions in implementing evidence-based systems-wide literacy approaches that address learning loss for fiscal years 2022, 2023, and 2024. The Agency of Education may set aside not more than two percent of the funds appropriated under this subsection to cover the costs of retaining and overseeing the work of the contractor.

*** Advisory Council on Literacy ***

Sec. 5. 16 V.S.A. § 2903a is added to read:

§ 2903a. ADVISORY COUNCIL ON LITERACY

(a) Creation. There is created the Advisory Council on Literacy. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes.

(b) Membership. The Council shall be composed of the following 16 members:

(1) eight members who shall serve as ex officio members:

(A) the Secretary of Education or designee;

(B) a member of the Standards Board for Professional Educators who is knowledgeable in licensing requirements for teaching literacy, appointed by the Standards Board;

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

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

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

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

(G) the Executive Director of the Vermont Independent Schools Association or designee; and

(H) the Executive Director of the Vermont-National Education Association or designee; and

(2) eight members who shall serve two-year terms:

(A) a representative appointed by the Vermont Curriculum Leaders Association;

(B) three teachers appointed by the Vermont-National Education Association who teach literacy, one of whom shall be a special education literacy teacher and two of whom shall teach literacy to students in prekindergarten through grade three;

(C) three community members who have struggled with literacy proficiency or supported others who have struggled with literacy proficiency, one of whom shall be a high school student, appointed by the Agency of Education in consultation with the Vermont Family Network; and

(D) one member appointed by the Agency of Education who has expertise in working with students with dyslexia.

(c) Members with two-year terms.

(1) A member with a term limit shall serve a term of two years and until a successor is appointed. A term shall begin on January 1 of the year of appointment and run through December 31 of the last year of the term. Terms of these members shall be staggered so that not all terms expire at the same time.

(2) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(3) A member with a term limit shall not serve more than two consecutive terms. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of this subdivision.

(d) Powers and duties. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes and shall:

(1) advise the Agency of Education on how to:

(A) update section 2903 of this title;

(B) implement the statewide literacy plan required by section 2903 of this title and whether, based on its implementation, changes should be made to the plan; and

(C) maintain the statewide literacy plan;

(2) advise the Agency of Education on what services the Agency should provide to school districts to support implementation of the plan and on staffing levels and resources needed at the Agency to support the statewide effort to improve literacy;

(3) develop a plan for collecting literacy-related data that informs:

(A) literacy instructional practices;

(B) teacher professional development in the field of literacy;

(C) what proficiencies and other skills should be measured through literacy assessments and how those literacy assessments are incorporated into local assessment plans; and

(D) how to identify school progress in achieving literacy outcomes, including closing literacy gaps for students from historically underserved populations;

(4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy instruction within the multitiered system of supports required under section 2902 of this title to best improve and sustain literacy proficiency; and

(5) review literacy assessments and outcomes and provide ongoing advice as to how to continuously improve those outcomes and sustain that improvement.

(e) Report. Notwithstanding 2 V.S.A. § 20(d), annually on or before December 15, the Council shall submit a written report to the House and Senate Committees on Education with its findings, any recommendations for legislative action, and progress toward outcomes identified in this section. The report shall contain an executive summary, which shall not exceed two pages.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Council to occur on or before August 1, 2021.

(2) The Council shall select a chair from among its members.

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

(4) The Council shall meet not more than eight times per year.

(g) Assistance. The Council shall have the administrative, technical, and legal assistance of the Agency of Education.

(h) Compensation and reimbursement. Members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings of the Council per year.

Sec. 6. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

The sum of \$24,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 to the Agency of Education for per diem and reimbursement of expenses for members of the Advisory Council on Literacy created under Sec. 5 of this act for fiscal years 2022, 2023, and 2024.

Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is repealed on June 30, 2024.

Sec. 8. IMPLEMENTATION OF THE ADVISORY COUNCIL ON LITERACY

(a) The Advisory Council on Literacy, created in Sec. 5 of this act, is established on August 1, 2021.

(b) Members of the Council shall be appointed on or before August 1, 2021 and, for members with a term limit, their service on the Council from the date of appointment through December 31, 2021 shall not be counted toward their term limit.

(c)(1) In order to stagger the terms of the members of the Council, the initial terms of the following members shall be for one year:

(A) two of the teachers appointed under subdivision (b)(2)(B) of Sec. 5 of this act; and

(B) two of the community members appointed under subdivision (b)(2)(C) of Sec. 5 of this act.

(2) After the expiration of the initial term set forth in subdivision (1) of this subsection, Council member terms shall be as set forth in 16 V.S.A. § 2903a(c) in Sec. 5 of this act.

* * * Review of Teacher Preparation Programs * * *

Sec. 9. TEACHER PREPARATION PROGRAMS; REVIEW

(a) On or before October 1, 2022, the Agency of Education, in collaboration with the Standards Board for Professional Educators, shall review:

(1) teacher preparation programs to assess to what extent these programs prepare teacher candidates to use “evidence-based literacy instruction”; and

(2) licensing and re-licensing criteria as it pertains to literacy instruction.

(b) As used in this section, “evidence-based literacy instruction” means reading, writing, and spelling instruction that is supported by high-quality research that meets rigorous standards and is proven to translate effectively to classroom practices.

* * * Agency of Education Reports * * *

Sec. 10. AGENCY OF EDUCATION; REPORTS

On or before December 15 of each of 2021, 2022, and 2023, the Agency of Education shall report to the General Assembly the statewide progress in achieving the purpose of this act, which is to improve literacy outcomes for all students in the State.

* * * Census-based Funding Advisory Group * * *

Sec. 11. 2018 Acts and Resolves No. 173, Sec. 9 (Census-based Funding Advisory Group), as amended by 2020 Acts and Resolves No. 112, Sec. 4 is further amended to read:

Sec. 9. CENSUS-BASED FUNDING ADVISORY GROUP

* * *

(e) Meetings.

* * *

(4) The Advisory Group shall cease to exist on June 30, 2023.

(f) Reports. On or before January 15, 2019, the Advisory Group shall submit a written report to the House and Senate Committees on Education and the State Board of Education with its findings and recommendations on the development of proposed rules to implement this act and any recommendations for legislation. On or before January 15 of 2020, 2021, ~~and 2022,~~ and 2023, the Advisory Group shall submit a supplemental written report to the House and Senate Committees on Education and the State Board of Education with a status of implementation under this act and any recommendations for legislation.

(g) Reimbursement. Members of the Advisory Group 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 as permitted under 32 V.S.A. § 1010 for not more than eight meetings per year in fiscal years 2019 and 2020 and not more than 12 meetings per year in each of fiscal years 2021, 2022, and 2023.

(h) Appropriation. The sum of \$5,376.00 is appropriated for fiscal year 2018 from the General Fund to the Agency of Education to provide funding for per diem compensation and reimbursement under subsection (g) of this section. The sum of \$9,018.00 is appropriated for fiscal year 2021 from the General Fund to the Agency of Education to provide funding for per diem compensation and reimbursement under subsection (g) of this section. ~~The Agency shall include in its budget request to the General Assembly for each of fiscal years 2022 and 2023 the amount of \$9,018.00 to provide funding for per diem compensation and reimbursement under subsection (g) of this section.~~

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

UNFINISHED BUSINESS OF THURSDAY, APRIL 29, 2021

Second Reading

Favorable with Proposal of Amendment

H. 171.

An act relating to the governance and financing of Vermont's child care system.

Reported favorably with recommendation of proposal of amendment by Senator Lyons for the Committee on Health and Welfare.

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

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly:

(1) that immediate investments are necessary to support Vermont's economy, ensure that all families with young children have affordable access to high-quality child care and early education, and that Vermont's early childhood educators are fairly compensated and well supported; and

(2) to continue and build upon the five-year redesign of the Child Care Financial Assistance Program that began in fiscal year 2020.

* * * Child Care Financial Assistance Program * * *

Sec. 2. 33 V.S.A. § 3512 is amended to read:

**§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ELIGIBILITY**

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

(2) The subsidy authorized by this subsection shall be ~~on a sliding scale basis. The scale shall be~~ established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. ~~The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the current federal poverty guidelines. The upper income limit~~

~~of the fee scale shall be neither less than 200 percent of the current federal poverty guidelines nor more than 100 percent of the State median income, adjusted for the size of the family. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to 150 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including 350 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.~~

* * *

Sec. 3. 33 V.S.A. § 3514 is amended to read:

§ 3514. PAYMENT TO PROVIDERS

* * *

(c)(1) The payment schedule established by the Commissioner may reimburse providers in accordance with the results of the most recent Vermont Child Care Market Rate Survey.

(2) The payment schedule shall include reimbursement rate caps tiered in relation to provider ratings in the Vermont STARS program. The lower limit of the reimbursement rate caps shall be not less than the 50th percentile of all reported rates for the same provider setting in each rate category.

Sec. 4. APPROPRIATION AND LEGISLATIVE INTENT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) In fiscal year 2022, \$5,529,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the purpose of implementing Secs. 2 and 3 of this act.

(b) It is the intent of the General Assembly that:

(1) consideration be made in fiscal years 2023 through 2026 to progressively adjust the upper income limit of the Child Care Financial Assistance Program fee scale each year; and

(2) the co-payment at the upper limit of the income eligibility scale for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income.

* * * Bright Futures Information System * * *

Sec. 5. BRIGHT FUTURES INFORMATION SYSTEM;
MODERNIZATION PLAN

(a) Funds for the modernization of the Bright Futures Information System are located within the Technology Modernization Reserve.

(b)(1) On or before October 1, 2021, the Department for Children and Families' Child Development Division shall make every reasonable effort to achieve full functionality of the first module of the modernized Bright Futures Information System.

(2) On or before August 1, 2021, the Department for Children and Families' Child Development Division shall convene and consult with a Bright Futures Information System end-user group, composed of child care providers, eligibility specialists from community child care support agencies, families participating in the Child Care Financial Assistance Program, and any other relevant stakeholders. The Division shall provide periodic updates to the end-user group regarding the Division's progress in completing the modernization project and any successes or challenges identified once the modernized Bright Futures Information System is operational. The Division shall actively seek advice and feedback from the end-user group regarding the modernized Bright Futures Information System. The end-user group shall be dissolved following full functionality of all components of the modernized Bright Futures Information System.

* * * Workforce Supports * * *

Sec. 6. 33 V.S.A. chapter 35, subchapter 5 is added to read:

Subchapter 5. Workforce

§ 3541. SCHOLARSHIPS FOR CURRENT EARLY CHILDHOOD PROVIDERS

(a) There is established a need-based scholarship program for individuals employed by a regulated, privately operated center-based child care program or family child care home while acquiring credits in early childhood development or that are related directly to working with children from birth through eight years of age.

(b) The Department of Children and Families may contract for the administration of the program set forth in subsection (a) of this section and adopt policies, procedures, and guidelines necessary for its implementation.

(c) Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(d) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3543 of this title.

§ 3542. SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD PROVIDERS

(a)(1) There is established a need-based scholarship program for individuals pursuing a college degree in early childhood education or early childhood special education. The scholarship program shall provide financial assistance up to the full cost of tuition for an eligible individual.

(2) An eligible individual shall:

(A) attend a Vermont college or university at least part-time;

(B) be pursuing an associates or bachelor's degree in early childhood education or early childhood special education; and

(C) commit to working in a regulated, privately operated center-based child care program or family child care home in Vermont for years equal to those in which scholarship monies are sought under this section.

(b)(1) The Department for Children and Families shall adopt policies, procedures, and guidelines necessary for implementation of the program described in subsection (a) of this section.

(2) The Department may contract for the administration of the program. Administration costs shall not be more than 10 percent of the total appropriation received to implement this section.

(c)(1) Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(2) An eligible individual who does not work the required number of years in a regulated, privately operated center-based child care program or family child care home in Vermont after completion of the individual's degree program shall repay scholarship monies received under this section commensurate with the balance of the eligible individual's time commitment.

(d) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3543 of this title.

§ 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year;

(B) receive an annual salary of not more than \$50,000.00; and

(C) have earned an associates or bachelor's degree with a major concentration in early childhood, child and human development, elementary education, special education with a birth to age eight focus, or child and family services within the preceding five years.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three months of employment in accordance with the program. The remainder of an individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

(b)(1) The Department shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

(2) Student loan repayments shall be available pursuant to this section on a first-come, first-served basis until appropriated funds are depleted.

(3) The Department may contract for the administration of the program. Administration costs shall not be more than 10 percent of the total appropriation received to implement this section.

(c) An individual shall not simultaneously participate in the student loan repayment assistance program set forth in this section and either of the scholarship programs set forth in section 3541 or 3542 of this title.

Sec. 7. APPROPRIATION AND EVALUATION; EARLY CHILDHOOD WORKFORCE PROGRAMS

(a) In fiscal year 2022:

(1) \$300,000.00 is appropriated to the Department for Children and Families' Child Development Division for the current early childhood provider scholarship program established pursuant to 33 V.S.A. § 3541.

(2) \$400,000.00 is appropriated to the Department for Children and Families for the prospective early childhood provider scholarship program established pursuant to 33 V.S.A. § 3542.

(3) \$1,800,000.00 is appropriated to the Department for Children and Families for the student loan repayment assistance program established pursuant to 33 V.S.A. § 3543.

(b) On or before October 1, 2025, the Department for Children and Families' Child Development Division, in consultation with stakeholders, shall submit a report to the House Committees on Commerce and Economic Development and on Human Services and to the Senate Committees on Economic Development, Housing, and General Affairs and on Health and Welfare:

(1) evaluating the effectiveness of the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 at recruiting and retaining providers in Vermont's child care and early learning system; and

(2) recommending whether the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 shall be repealed in accordance with Sec. 8 of this act, retained and funded in their current state, or retained with amendment.

Sec. 8. REPEALS

(a) 33 V.S.A. § 3541(d) (reference to student loan repayment assistance program) is repealed on July 1, 2026.

(b) 33 V.S.A. § 3542 (scholarships for prospective early childhood providers) is repealed on July 1, 2026.

(c) 33 V.S.A. § 3543 (student loan repayment assistance program) is repealed on July 1, 2026.

* * * Building Bright Futures' Powers and Duties * * *

Sec. 9. 33 V.S.A. § 4603 is amended to read:

§ 4603. POWERS AND DUTIES

The Council established by section 4602 of this title shall have the following powers and duties necessary and appropriate to effectuating the purposes of this chapter:

(1) Advise the Administration and General Assembly on:

(A) the status and needs of the early care, health, and education system by conducting a review of the status of young children in Vermont and the care, health, and education services and systems that support them; and

(B) planning related to and the administration and operation of Vermont's child care system.

* * *

(3) Develop an early care, health, and education system plan for Vermont to serve as the basis for policy and funding recommendations, which shall reflect the growing diversity of Vermont's children and families.

* * *

(12) Convene members of the child care community, medical community, education community, business community, and other organizations, as well as State agencies serving young children, to ensure that families receive quality services in the most efficient and cost-effective manner.

* * *

* * * Recommendations on the American Rescue Plan Act of 2021 * * *

Sec. 10. RECOMMENDATIONS; AMERICAN RESCUE PLAN ACT OF 2021; CHILD CARE DEVELOPMENT BLOCK GRANT

(a) Purpose and membership. The Department for Children and Families, in coordination with Building Bright Futures, shall convene a child care working group composed of mutually agreed to stakeholders that reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color. Members of this working group shall include a representative from both the House Committee on Human Services and the Senate Committee on Health and Welfare, as well as individuals representing a range of employer and business interests, families, child care and afterschool providers, child welfare advocates, and consultation

with any other individuals necessary to make recommendations for most effectively utilizing Child Care Development Block Grant funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) to meet the immediate and future child care needs of Vermonters.

(b) Powers and duties. The working group shall make recommendations to the General Assembly to ensure that the use of the ARPA Child Care Development Block Grant is fully utilized. The working group shall consider the following priorities but need not be limited to consideration of the listed priorities:

(1) bridge funding necessary to ensure that the co-payment for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income;

(2) bridge funding to expand the Child Care Financial Assistance Program to families whose incomes are up to 400 percent of the current federal poverty level;

(3) funding necessary to complete the child care and early childhood education systems analysis and financing studies pursuant to Sec. 14 of this act;

(4) funding necessary to implement the child care workforce support programs established in 33 V.S.A. chapter 35, subchapter 5;

(5) increased access to high-quality infant care;

(6) access to high-quality, affordable child care for culturally and racially diverse families;

(7) support and assistance to stabilize regulated, privately operated center-based child care programs and family child care homes; and

(8) the identification of any statutory or regulatory barriers to using the ARPA funds to address the immediate and future child care needs of Vermonters.

(c) Report. On or before November 30, 2021, the Department for Children and Families shall submit a written report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare containing the working group's recommendations.

(d) Meetings.

(1) The Commissioner for Children and Families or designee and the Executive Director of Building Bright Futures shall call the first meeting of the working group and shall serve as Co-Chairs.

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

(3) The working group shall cease to exist on December 1, 2021.

Sec. 11. RECOMMENDATIONS; AMERICAN RESCUE PLAN ACT OF 2021; CHILD CARE STABILIZATION GRANTS

(a) Purpose and membership. The Department for Children and Families, in coordination with Building Bright Futures, shall convene a child care working group composed of mutually agreed to stakeholders that reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color. Members of this working group shall include a representative from both the House Committee on Human Services and the Senate Committee on Health and Welfare, child care and afterschool providers, and consultation with any other individuals necessary to make recommendations for most effectively utilizing Child Care Stabilization Grants funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) to meet the immediate and future child care needs of Vermonters.

(b) Powers and duties. The working group shall make recommendations to ensure that the use of the ARPA Child Care Stabilization Grants funding is fully utilized in a timely manner.

(c) Report and approval. On or before September 1, 2021, the Department shall submit a written report with the working group's recommendations to the Chairs of the House Committee on Human Services and the Senate Committee on Health and Welfare or their designees. The Chairs or their designees shall review the report and recommend to the Joint Fiscal Committee whether or not to approve the report's recommendations. After review of the report and the recommendations of the Chairs or their designees, the Joint Fiscal Committee shall approve the report's recommendation, disapprove the report's recommendation, or direct the Department to amend and resubmit the report to the Chairs by a date certain. Upon approval by the Joint Fiscal Committee, the Department shall distribute funds according to the report's recommendations.

(d) Meetings.

(1) The Commissioner for Children and Families or designee and the Executive Director of Building Bright Futures shall call the first meeting of the working group and shall serve as Co-Chairs.

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

(3) The working group shall cease to exist on January 1, 2022.

* * * Studies and Reports * * *

Sec. 12. REPORT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ENROLLMENT MODEL

On or before July 1, 2022, the Department for Children and Families' Child Development Division shall submit to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare analyses addressing the costs and policy implications associated with moving from an attendance-based model to an enrollment-based model in the Child Care Financial Assistance Program.

Sec. 13. CHILD CARE AND EARLY CHILDHOOD EDUCATION
SYSTEMS ANALYSIS STUDY

(a)(1) On or before September 1, 2021, Building Bright Futures shall develop and issue a request for proposals to select an independent consulting entity with expertise in the field of child care and early childhood education to provide an analysis and recommendations on Vermont's child care and early education systems for children from birth through five years of age. The development of the request for proposals and selection of an independent consulting entity shall be done in consultation with the Chairs of the House Committee on Human Services and the Senate Committee on Health and Welfare or their designees.

(2) On or before July 1, 2022, the independent consulting entity shall submit the analysis and recommendations to the House Committee on Human Services and to the Senate Committee on Health and Welfare regarding the following:

(A) existing child care and early childhood education systems and administrative stakeholders and structures, including functions that are currently not staffed or understaffed;

(B) emerging system needs;

(C) stakeholder engagement in decision-making processes and State plan development;

(D) mechanisms to strengthen system oversight and leverage current system strengths;

(E) identification of existing needs and challenges;

(F) ensuring data driven accountability for improvement of the current well-being and future outcomes of children and families; and

(G) ensuring that an antiracist approach is utilized in modifying existing policies and procedures and creating new policies and procedures.

(b) All findings and recommendations provided pursuant to this section shall:

(1) be divided by birth through five years of age and six years of age through 12 years of age; and

(2) rely on the work and advice provided pursuant to Sec. 10 of this act.

(c) As used in this section, “child care and early childhood education” means programming provided at a center-based child care program or family child care home regulated by the Department for Children and Families’ Child Development Division that serves children from birth through 12 years of age.

(d) In fiscal year 2022, \$200,000.00 is appropriated to the Department for Children and Families from the General Fund for the purpose of enabling Building Bright Futures to contract with an independent consulting entity pursuant to this section.

Sec. 14. CHILD CARE AND EARLY CHILDHOOD EDUCATION FINANCING STUDY

(a) On or before July 1, 2022, the Joint Fiscal Office shall contract with an economist or independent consulting entity with expertise in the field of child care and early childhood education to evaluate the economic impacts of and potential funding mechanisms to adjusting Vermont’s existing child care system regulated pursuant to 33 V.S.A. chapter 35 for children from birth through five years of age with consideration given to the intersection of and impacts on child care for children from six years of age through 12 years of age in alignment with the recommendations of the Universal Afterschool Task Force established pursuant to 2020 Acts and Resolves No. 154, Sec. B.1120.1. The work of the economist or independent consulting entity shall be governed by the following goals:

(1) that a family does not spend more than 10 percent of its gross annual income on child care;

(2) that child care providers receive compensation that is commensurate with peers in other fields; and

(3) the utilization of a cost of care model versus a market rate model in the Child Care Financial Assistance Program.

(b)(1) On or before December 1, 2022, the consultant shall submit preliminary results to the Joint Fiscal Office and to the Chairs of the House Committees on Appropriations, on Human Services, and on Ways and Means and to the Senate Committees on Appropriations, on Finance, and on Health and Welfare.

(2) On or before January 15, 2023, the consultant shall submit to the House Committees on Appropriations, on Human Services, and on Ways and Means and to the Senate Committees on Appropriations, on Finance, and on Health and Welfare multiple financing options for public and private funding sources, including a final report that:

(A) projects the costs of expanding the State's child care benefit to more families in accordance with this section, requiring commensurate pay for providers, and utilizing cost of care in the Child Care Financial Assistance Program and the feasibility of implementing each policy in Vermont, both separately and jointly; and

(B) identifies and determines the feasibility of implementing stable, long-term funding sources to finance an affordable, high-quality early child care system for children from birth through five years of age.

* * * Federal Funding, Administration * * *

Sec. 15. 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, Pub. L. No. 117-2 (ARPA), including State holding funds that are established as a result of the ARPA, the Commissioner of Finance and Management is authorized to make expenditures in anticipation of receipts as necessary. In the event monies received by the State under ARPA cannot be used for their designated purpose, appropriations shall instead be made from the General Fund.

(b) The appropriations in this act from funds provided by ARPA shall carry forward from fiscal year 2021 until expended.

* * * Effective Dates * * *

Sec. 16. EFFECTIVE DATES

(a) This section and Secs. 10 (recommendations; American Rescue Plan Act of 2021; Child Care Development Block Grant) and 11 (recommendations; American Rescue Plan Act of 2021; Child Care Stabilization Grants) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2021, except that Secs. 2 (Child Care Financial Assistance Program; eligibility) and 3 (payment to providers) shall take effect on October 1, 2021.

And that after passage the title of the bill be amended to read:

An act relating to child care systems and financing.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 24, 2021, pages 450-474.)

Reported favorably with recommendation of proposal of amendment by Senator Westman for the Committee on Appropriations.

The Committee recommends that the Senate propose to the House to amend the bill as recommended by the Committee on Health and Welfare with the following amendments thereto:

First: By striking out Sec. 4, appropriation and legislative intent; child care financial assistance program, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. LEGISLATIVE INTENT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

It is the intent of the General Assembly that:

(1) consideration be made in fiscal years 2023 through 2026 to progressively adjust the upper income limit of the Child Care Financial Assistance Program fee scale each year; and

(2) the co-payment at the upper limit of the income eligibility scale for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income.

Second: In Sec. 5, Bright Futures Information System; modernization plan, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) To the extent funds exist in fiscal year 2022, the Department for Children and Families shall modernize the Bright Futures Information System.

Third: By striking out Sec. 7, appropriation and evaluation; early childhood workforce programs, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. EVALUATION; EARLY CHILDHOOD WORKFORCE PROGRAMS

On or before October 1, 2025, the Department for Children and Families' Child Development Division, in consultation with stakeholders, shall submit a report to the House Committees on Commerce and Economic Development and on Human Services and to the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare:

(1) evaluating the effectiveness of the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 at recruiting and retaining providers in Vermont's child care and early learning system; and

(2) recommending whether the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 shall be repealed in accordance with Sec. 8 of this act, retained and funded in their current states, or retained with amendment.

Fourth: By striking out Sec. 10, recommendations; American Rescue Plan Act; Child Care Development Block Grant, in its entirety and inserting in lieu thereof in a new Sec. 10 to read as follows:

Sec. 10. RECOMMENDATIONS; AMERICAN RESCUE PLAN OF 2021; CHILD CARE DEVELOPMENT BLOCK GRANT

On or before January 15, 2022, the Department for Children and Families shall submit a report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare summarizing its use of the Child Care Development Block Grant funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2.

Fifth: By striking out Sec. 11, recommendations; American Rescue Plan Act of 2021; child care stabilization grants, in its entirety and inserting in lieu thereof the following:

Sec. 11. [Deleted.]

Sixth: In Sec. 13, child care and early childhood education systems analysis study, by striking out subsection (d) in its entirety.

Seventh: By striking out Sec. 15, federal funds; anticipated receipts, in its entirety and inserting in lieu thereof the following:

Sec. 15. [Deleted.]

(Committee vote: 6-0-1)

H. 421.

An act relating to animal cruelty investigation response and training.

Reported favorably with recommendation of proposal of amendment by Senator Pollina for the Committee on Agriculture.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 13 V.S.A. §351, in subdivision (5), by striking out the word “agency” and inserting in lieu thereof the word facility

Second: By striking out Sec. 4, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 4. 13 V.S.A. § 365 is amended to read:

§ 365. SHELTER OF ANIMALS

(a) Adequate shelter. All livestock and animals that are to be predominantly maintained in an outdoor area shall be provided with adequate natural shelter or adequate constructed shelter to prevent direct exposure to the elements. Pursuant to section 351b of this title, this section shall not apply to livestock and poultry husbandry practices for raising, management, and use of animals.

(b) Shelter for livestock.

(1) Livestock animals confined in enclosed areas shall be provided with adequate ventilation and shall have access to adequate exercise. Equines housed within a designated space continually, without access to a paddock, turn out, or other exercise area, shall be provided the opportunity for periodic exercise, either through free choice or through a forced work program, to maintain normal muscle tone and mass for the age, size, and condition of the animal or in accordance with accepted agricultural or veterinary practices. Nothing in this section shall control dairy herd housing facilities, either loose housing, comfort tie-stall, or stanchion lockups, or other housing under control of the Agency of Agriculture, Food and Markets. ~~This subdivision shall not apply to any accepted housing or grazing practices for any livestock industry.~~

* * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee vote: 5-0-0)

(No House amendments)

H. 430.

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

Reported favorably with recommendation of proposal of amendment by Senator Hooker for the Committee on Health and Welfare.

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

Sec. 1. 33 V.S.A. chapter 19, subchapter 9 is added to read:

Subchapter 9. Coverage for Additional Populations

§ 2091. DR. DYNASAUR-LIKE COVERAGE; LEGISLATIVE INTENT

In establishing Dr. Dynasaur-like coverage for children and pregnant individuals who are not eligible for the Dr. Dynasaur program because of their immigration status, it is the intent of the General Assembly that the hospital, medical, dental, and prescription drug benefits and eligibility criteria for the coverage set forth in section 2092 of this chapter should align to the greatest extent practicable with the benefits and eligibility criteria of the Dr. Dynasaur program.

§ 2092. DR. DYNASAUR-LIKE COVERAGE FOR CERTAIN VERMONT RESIDENTS

(a) As used in this section, the term “Vermont residents who have an immigration status for which Medicaid coverage is not available” includes migrant workers who are employed in seasonal occupations in this State.

(b) The Agency of Human Services shall provide hospital, medical, dental, and prescription drug coverage equivalent to coverage in the Vermont Medicaid State Plan to the following categories of Vermont residents who have an immigration status for which Medicaid coverage is not available and who are otherwise uninsured:

(1) children under 19 years of age whose household income does not exceed the income threshold for eligibility under the Vermont Medicaid State Plan; and

(2) pregnant individuals whose household income does not exceed the income threshold for eligibility under the Vermont Medicaid State Plan, for coverage during their pregnancy and for postpartum coverage equivalent to that available under the Vermont Medicaid State Plan.

(c) The confidentiality provisions set forth in section 1902a of this chapter shall apply to all applications submitted and records created pursuant to this section, except that the Agency of Human Services shall not make any information regarding applicants or enrollees available to the United States government.

(d) The Agency of Human Services may adopt rules in accordance with 3 V.S.A. chapter 25 to carry out the purposes of this section.

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

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 have an immigration status for which Medicaid coverage is not available.

(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 culturally and linguistically appropriate outreach and information regarding opportunities for children and pregnant individuals in Vermont who have an immigration status for which Medicaid coverage is not available to access health care services at low or no cost in fiscal year 2022 and thereafter. The outreach and information shall include information on the confidentiality of records pertaining to applicants and enrollees.

(3) Implementing the technological and operational processes necessary for the Department of Vermont Health Access to administer the coverage for Vermont residents who have an immigration status for which Medicaid coverage is not available as set forth in 33 V.S.A. § 2092 beginning on July 1, 2022.

Sec. 3. AGENCY OF HUMAN SERVICES; DR. DYNASAUR-LIKE
COVERAGE; FISCAL YEAR 2023 ESTIMATE

The Agency of Human Services shall provide information on the estimated fiscal year 2023 costs of providing coverage to Vermont residents who have an immigration status for which Medicaid coverage is not available pursuant to 33 V.S.A. § 2092 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 Vermont residents who have an immigration status for which Medicaid coverage is not available in accordance with Sec. 1 (33 V.S.A. § 2092) beginning on July 1, 2022, subject to fiscal year 2023 appropriations for this purpose.

And that after passage the title of the bill be amended to read:

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

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 23, 2021, page 411.)

Reported favorably with recommendation of proposal of amendment by Senator Kitchel for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Health and Welfare with the following amendment thereto:

In Sec. 2, Agency of Human Services; outreach and provider grants; implementation; appropriation, by striking out "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" and inserting in lieu thereof To the extent that applicable funds are appropriated in the fiscal year 2022 budget, the Agency of Human Services shall use them for the following purposes

(Committee vote: 7-0-0)

H. 434.

An act relating to establishing the Agricultural Innovation Board.

Reported favorably with recommendation of proposal of amendment by Senator Collamore for the Committee on Agriculture.

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

Sec. 1. 6 V.S.A. chapter 215, subchapter 7A is amended to read:

Subchapter 7A. ~~Regenerative Farming~~ Regenerative and Innovative Agriculture

* * *

§ 4964. AGRICULTURAL INNOVATION BOARD

(a) Creation. There is created the Agricultural Innovation Board that shall:

(1) Review historic recommendations for pesticide reduction in the State and coordinate with existing work groups to avoid submitting to the General Assembly conflicting policy recommendations on the regulation of pesticides and farming.

(2) Recommend practices that reduce the use of and exposure to pesticides and synthetic fertilizers in order to protect soil biology, human health, and environmental health, including recommended targets to achieve the State goal of an overall reduction in the use of pesticides consistent with sound pest or vegetative management practices.

(3) Advise the Executive Branch and the General Assembly with respect to legislation concerning the use of agricultural pest control measures and integrated pest management.

(4) Recommend to the Secretary of Agriculture, Food and Markets policies, proposed rules, or legislation for the regulation of the use of treated articles when the Board determines that use of a treated article will have a hazardous or long-term deleterious effect on the environment in Vermont, presents a likely risk to human health, or is dangerous.

(5) Recommend practices to reduce the use and generation of waste associated with plastic in farming.

(6) Incentivize farming practices that are looking to reduce the use and dependence on pesticides in their practices.

(7) Advise the Agency with regard to the regulation of plant biostimulants.

(8) Recommend studies necessary for the performance of its functions as established under this section.

(9) Explore methods and standards for transitioning farmers to practices that reduce pesticide usage.

(10) Explore methods and standards for farmers to engage in carbon sequestration or mitigation.

(11) Review the seed traits of a new genetically engineered seed proposed for sale, distribution, or use in the State.

(12) Study and issue recommendations regarding the feasibility of the use of biodegradable plastics in agriculture and the promotion of the use of and production of biodegradable plastics and similar products in Vermont.

(b) Organization of the Board.

(1) The Secretary of Agriculture, Food and Markets shall convene the Agricultural Innovation Board. Members of the Board who are not serving in an ex officio capacity shall be appointed by the Secretary of Agriculture, Food and Markets, and the Secretary shall designate a chair from among the members of the Board. The Agricultural Innovation Board shall consist of the following 13 members:

(A) the Secretary of Agriculture, Food and Markets or designee;

(B) an active farmer who is a member of an organization representing the organic farming community;

(C) a member from the University of Vermont Center for Sustainable Agriculture;

(D) the Director of the Agency of Agriculture, Food and Markets, Agrichemical Program or designee;

(E) the Director of the Agency of Agriculture, Food and Markets, Water Quality Program or designee;

(F) the Commissioner of Health or a designee with expertise in the effects of pesticides on human health;

(G) the Secretary of Natural Resources or designee;

(H) a certified crop consultant;

(I) an active farmer who is a member of an organization representing the conventional dairy industry in Vermont;

(J) an active farmer who is a member of an organization representing fruit or vegetable farmers in Vermont;

(K) an active farmer who is a member of an organization representing grass-based, non-dairy livestock farming in Vermont;

(L) a soil biologist; and

(M) a member of an environmental organization that advocates for policy regarding the management or reduction of toxic substances in the State.

(2) Members of the Agricultural Innovation Board shall be appointed for terms of three years, except initially, appointments shall be made such that one member shall serve for a term of one year and one for a term of two years. Members other than ex officio members shall be allowed to serve not more than three consecutive terms.

(3) Members of the Agricultural Innovation Board other than ex officio members and those compensated for their participation on the Board shall be entitled to per diem compensation authorized under 32 V.S.A. § 1010(b) for each day spent in the performance of their duties, and each member shall be reimbursed for his or her actual and necessary expenses incurred in carrying out his or her duties. These payments shall be made from the Pesticide Monitoring Revolving Fund under 6 V.S.A. § 929.

(4) The Board shall meet no fewer than four times a year.

(c) Powers and Duties of the Board. The Agricultural Innovation Board shall:

(1) issue a report annually to the General Assembly on or before January 15 that recommends policy solutions to assist farmers in:

(A) reducing the use of and exposure to pesticides; and

(B) the use of innovative or alternative practices;

(2) propose an annual budget report that provides ideas for funding sources for any new programs recommended in the annual report; and

(3) survey farmers from every county in the State to help better understand how agricultural inputs, such as pesticides, synthetic fertilizers, and plastics, are currently used, as well as current challenges farmers face in reducing these inputs in order to better inform recommendations to be provided in the annual report required under subdivision (1) of this subsection.

(d) Seed Review. Prior to sale, distribution, or use in the State of a new genetically engineered seed, a majority of the Agricultural Innovation Board shall approve of the sale, distribution, or use of the seed. In order to ensure the appropriate use of traits of a new genetically engineered seed in the State, the Agricultural Innovation Board may propose to the Secretary limits or conditions on the sale, distribution, or use of a seed or recommend a limited period of time for sale of the seed.

Sec. 2. REPEAL; PESTICIDE ADVISORY COUNCIL

6 V.S.A. § 1102 (Pesticide Advisory Council) is repealed.

Sec. 3. 6 V.S.A. § 1083(a)(5) is amended to read:

(5) Issue or deny permits to any person for the use of larvicides or pupacides for mosquito control in the waters of the State pursuant to procedures adopted under 3 V.S.A. chapter 25. Such procedures shall include provisions regarding an opportunity for public review and comment on permit applications. Persons applying for a permit shall apply on a form provided by the Agency. The Secretary shall seek the advice of the ~~Vermont Pesticide Advisory Council~~ Agricultural Innovation Board when designating acceptable control products and methods for their use, and when adopting or amending procedures for implementing this subsection. Before issuing a permit under this subsection, the Secretary shall find, after consultation with the Secretary of the Agency of Natural Resources, that there is acceptable risk to the nontarget environment and that there is negligible risk to public health.

Sec. 4. 6 V.S.A. § 1103(a) is amended to read:

(a) General authority. The Secretary shall have responsibility for regulating and controlling the sale, use, storage, treatment, and disposal of pesticides and pesticide wastes, in order to promote the public health, safety, and welfare and protect agricultural and natural resources. In the performance of such duties the Secretary shall act upon the advice of the ~~Pesticide Advisory Council~~ Agricultural Innovation Board, and subject to the approval of the Governor.

Sec. 5. 6 V.S.A. § 1104 is amended to read:

§ 1104. POWERS OF SECRETARY

The Secretary in furtherance of the purposes of this chapter may:

* * *

(6) Require pesticide dealers and applicators to keep records of the sale and use of pesticides deemed particularly toxic or hazardous by the ~~Pesticide Advisory Council~~ Agricultural Innovation Board and to have such records available for examination by the Secretary or his or her agents at his or her request; the accounting for kinds and amounts of such economic poisons, to whom sold, and where and when used, and the reporting of incidents resulting from accidental contamination or misapplication of pesticides ~~which~~ that present a hazard to humans, animals, or the environment, may be required.

* * *

(9) Make, adopt, revise, and amend reasonable rules as he or she deems necessary with the advice of the ~~Pesticide Advisory Council~~ Agricultural Innovation Board in order to carry out the provisions of this chapter.

* * *

Sec. 6. 6 V.S.A. § 1105a is amended to read:

§ 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST MANAGEMENT PRACTICES

(a) The Secretary of Agriculture, Food and Markets, upon the recommendation of the ~~Pesticide Advisory Council~~ Agricultural Innovation Board, may adopt by rule:

(1) best management practices, standards, procedures, and requirements relating to the sale, use, storage, or disposal of treated articles the use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

* * *

(3) requirements for the examination or inspection of treated articles the use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

(4) requirements for persons selling treated articles to keep or make available to the Secretary records of sale of treated articles the use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous; or

(5) requirements for reporting of incidents resulting from accidental contamination from or misuse of treated articles the use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous.

(b) At least 30 days prior to pre-filing a rule authorized under subsection (a) of this section with the Interagency Committee on Administrative Rules under 3 V.S.A. § 837, the Secretary shall submit a copy of the draft rule to the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry for review.

Sec. 7. 6 V.S.A. § 642 is amended to read:

§ 642. DUTIES AND AUTHORITY OF THE SECRETARY

(a) The Secretary shall enforce and carry out the provisions of this subchapter, including:

(1) Sampling, inspecting, making analysis of, and testing seeds subject to the provisions of this subchapter that are transported, sold, or offered or exposed for sale within the State for sowing purposes. The Secretary shall notify promptly a person who sells, offers, or exposes seeds for sale and, if appropriate, the person who labels or transports seeds, of any violation and seizure of the seeds, or order to cease sale of the seeds under section 643 of this title.

(2) Making or providing for purity and germination tests of seed for farmers and dealers on request and to fix and collect charges for the tests made.

(3) Cooperating with the U.S. Department of Agriculture and other agencies in seed law enforcement.

(4) Prior to sale, distribution, or use of a new genetically engineered seed in the State and after consultation with ~~a seed review committee convened under subsection (c) of this section~~ the Agricultural Innovation Board under section 4964 of this title, review the traits of the new genetically engineered seed. The Secretary may prohibit, restrict, condition, or limit the sale, distribution, or use of the seed in the State when determined necessary to prevent an adverse effect on agriculture in the State.

(b) The Secretary shall establish rules to carry out the provisions of this subchapter, including those governing the methods of sampling, inspecting, analyzing, testing, and examining seeds and reasonable standards for seed.

~~(c)(1) The Secretary shall convene a seed review committee to review the seed traits of a new genetically engineered seed proposed for sale, distribution, or use in the State.~~

~~(2) A seed review committee convened under this subsection shall be composed of the Secretary of Agriculture, Food and Markets or designee and the following members appointed by the Secretary:~~

~~(A) a certified commercial agricultural pesticide applicator;~~

~~(B) an agronomist or relevant crop specialist from the University of Vermont or Vermont Technical College;~~

~~(C) a licensed seed dealer; and~~

~~(D) a member of a farming sector affected by the new genetically engineered seed.~~

~~(3) A majority of the seed review committee must approve of the sale, distribution, or use of a new genetically engineered seed prior to sale, distribution, or use in the State. In order to ensure the appropriate use or traits of a new genetically engineered seed in the State, a seed review committee may propose to the Secretary limits or conditions on the sale, distribution, or use of a seed or recommend a limited period of time for sale of the seed. [Repealed.]~~

Sec. 8. IMPLEMENTATION; TRANSITION

The Secretary of Agriculture, Food and Markets shall appoint those members of the Agricultural Innovation Board under 6 V.S.A. § 4964 on or before January 1, 2022 so that the Agricultural Innovation Board can fulfill its functions and duties.

Sec. 9. EFFECTIVE DATES

This act shall take effect on January 1, 2022, except that the authority of the Secretary of Agriculture, Food and Markets to appoint members of the Agricultural Innovation Board under 6 V.S.A. § 4964(b)(1) shall take effect on July 1, 2021.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 19, 2021, page 396.)

Reported favorably by Senator Starr for the Committee on Appropriations.

The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Agriculture.

(Committee vote: 7-0-0)

NEW BUSINESS

Third Reading

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.

H. 210.

An act relating to addressing disparities and promoting equity in the health care system.

H. 438.

An act relating to capital construction and State bonding.

H. 439.

An act relating to making appropriations for the support of government.

Second Reading

Favorable with Proposal of Amendment

H. 177.

An act relating to approval of an amendment to the charter of the City of Montpelier.

Reported favorably with recommendation of proposal of amendment by Senator Pollina for the Committee on Government Operations.

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 2, 24 App. V.S.A. chapter 5, § 1501(a), immediately following the words “who on election day is” by inserting the words a citizen of the United States or before “legal resident of the United States”

(Committee vote: 4-1-0)

(No House amendments)

H. 428.

An act relating to hate-motivated crimes and misconduct.

Reported favorably with recommendation of proposal of amendment by Senator Baruth for the Committee on Judiciary.

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

Sec. 1. 13 V.S.A. § 1455 is amended to read:

§ 1455. HATE-MOTIVATED CRIMES

(a) A person who commits, causes to be committed, or attempts to commit any crime and whose conduct is ~~maliciously~~ motivated, in whole or in part, by the victim's actual or perceived ~~race, color, religion, national origin, sex, ancestry, age, service in the U.S. Armed Forces, disability as defined by 21 V.S.A. § 495d(5), sexual orientation, or gender identity~~ protected category shall be subject to the following penalties:

* * *

(b) The victim's actual or perceived protected category or categories need not be the predominant reason or the sole reason for the defendant's conduct.

(c) As used in this section, "protected category" includes race, color, religion, national origin, sex, ancestry, age, service in the U.S. Armed Forces or the National Guard, disability as defined by 21 V.S.A. § 495d(5), sexual orientation, gender identity, and perceived membership in any such group.

Sec. 2. 13 V.S.A. § 1456 is amended to read:

§ 1456. BURNING OF CROSS OR OTHER RELIGIOUS SYMBOL

Any person who intentionally ~~and maliciously~~ sets fire to, or burns, causes to be burned, or aids or procures the burning of a cross or a religious symbol, with the intention of terrorizing or harassing a particular person or persons, shall be subject to a term of imprisonment of not more than two years or a fine of not more than \$5,000.00, or both.

Sec. 3. 13 V.S.A. § 1458(6) is amended to read:

(6) "Protected category" includes race, color, religion, national origin, sex, ancestry, age, service in the U.S. Armed Forces or the National Guard, disability as defined by 21 V.S.A. § 495d(5), sexual orientation, gender identity, and perceived membership in any such group.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

(No House amendments.)

CONCURRENT RESOLUTIONS FOR ACTION

Concurrent Resolutions For Action 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. Requests for floor consideration should be communicated to the Secretary's Office.

S.C.R. 5 (For text of Resolution, see Addendum to Senate Calendar for April 29, 2021)

H.C.R. 52 - 57 (For text of Resolutions, see Addendum to House Calendar for April 29, 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.

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

Dr. Jessica Holmes of Cornwall – Member, Green Mountain Care Board – By 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)

John J. Quinn III of Berlin – Secretary, Agency of Digital Services – By Sen. Ram for the Committee on Government Operations. (4/14/21)

June Tierney of Randolph – Commissioner, Department of Public Service – By Sen. Cummings for the Committee on Finance. (4/14/21)

Michael Pieciak of Winooski – Commissioner, Department of Financial Regulation – By Sen. Sirotkin for the Committee on Finance. (4/15/21)

Craig Bolio of Essex Junction – Commissioner, Department of Taxes – By Sen. MacDonald for the Committee on Finance. (4/20/21)

Julia S. Moore of Middlesex – Secretary, Agency of Natural Resources – By Sen. Bray for the Committee on Natural Resources and Energy. (4/21/21)

Julie Hulburd of Colchester – Member, Cannabis Control Board – By Sen. Ram for the Committee on Government Operations. (4/22/21)

James Pepper of Montpelier – Chair, Cannabis Control Board – By Sen. White for the Committee on Government Operations. (4/22/21)

Kyle Harris of Montpelier – Member, Cannabis Control Board – By Sen. Collamore for the Committee on Government Operations. (4/27/21)

Louis Porter of Adamant – Commissioner, Department of Fish and Wildlife – By Sen. Westman for the Committee on Natural Resources and Energy. (4/27/21)

Diane Snelling of Hinesburg – Chair, Natural Resources Board – By Sen. McCormack for the Committee on Natural Resources and Energy. (4/27/21)

Michael C. Snyder of Stowe – Commissioner, Department of Forests, Parks and Recreation – By Sen. Westman for the Committee on natural Resources and Energy. (4/27/21)

David Coen of Shelburne – Chair, Transportation Board – By Sen. Ingalls for the Committee on Transportation. (4/27/21)

Tim Hayward of Middlesex – Member, Transportation Board – By Sen. Mazza for the Committee on Transportation. (4/27/21)

PUBLIC HEARINGS

Joint public hearing to hear Vermont's unemployment insurance issues for employees and employers during the COVID pandemic

On Tuesday, May 4, 2021 from 5:00 p.m. to 7:00 p.m. the House Committee on Commerce and Economic Development and the House Committee on Government Operations will hold a joint public hearing to listen to employees and employers in Vermont about the issues faced with unemployment insurance during the COVID pandemic. The public is invited to register to speak at the hearing or submit written testimony.

To register as a speaker at the hearing, please sign up here:
<https://legislature.vermont.gov/links/public-hearing-unemployment>

Registrations will be accepted on a first-come, first-served basis, and testimony time will be limited to two minutes per person.

To submit written testimony, please email an MS Word or PDF file to testimony@leg.state.vt.us

The hearing will be live streamed on the Legislature's Joint Committees YouTube channel here:

<https://legislature.vermont.gov/committee/streaming/shared-joint-committees>

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 #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 4/5/2021]

JFO #3045 - 48 (forty-eight) limited-service positions to carry out the ongoing work for an effective public health response to COVID-19. *[NOTE: Positions to be funded through ongoing CDC grants #2254 (Immunization) and #2478 (Epidemiology and Laboratory Capacity) previously approved in 2006 and 2010, respectively.]*

[JFO received 4/13/2021]

JFO #3046 – One (1) limited service position, Grants Program Manager, to the VT Dept. of Economic Development to provide management, oversight and technical assistance to grantees. This position is funded through the Norther Border Regional Commission Capacity Grants through previously approved JFO Grant #2971. Position is for one year with expected approval for a second year.

[JFO received 4/21/2021]

JFO #3047 – \$1,000,000 to the VT Department of Public Service from the Norther Border Regional Commission. Funds will be used to build out infrastructure and expand broadband throughout Vermont. This grant includes a \$1.75M match as follows: \$1.5M from Act 154 (2020), \$60,000K from Act 79 (2019) and the rest from an existing position – Rural Broadband Technical Assistant.

[JFO received 4/21/2021]

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).