

# Journal of the Senate

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FRIDAY, JANUARY 15, 2021

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Message from the House No. 7

A message was received from the House of Representatives by Ms. Alona Tate, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has adopted House concurrent resolutions of the following titles:

**H.C.R. 1.** House concurrent resolution congratulating the 2020 Bellows Falls Union High School Terriers Division I championship field hockey team.

**H.C.R. 2.** House concurrent resolution honoring Alice Wolf Gilborn of Dorset for her outstanding literary achievements.

**H.C.R. 3.** House concurrent resolution congratulating the 2020 Bellows Falls Union High School Terriers girls' cross-country team on winning its third consecutive Division III championship.

**H.C.R. 4.** House concurrent resolution honoring Kate O'Connor of Brattleboro for her superb leadership in the public and nonprofit sectors.

**H.C.R. 5.** House concurrent resolution honoring Ursula Dalem for her exemplary proprietorship of the Dalem Chalet in Brattleboro.

**H.C.R. 6.** House concurrent resolution designating January 2021 as School Board Recognition Month in Vermont.

In the adoption of which the concurrence of the Senate is requested.

## Message from the Governor

A message was received from the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the fourteenth day of January, 2021, pursuant to 3 V.S.A. §2002(b), I am herewith enclosing the following Executive Orders:

01-21 Creation of the Agency of Public Safety

02-21 Reorganization of the Natural Resources Board

**Executive Order Referred**

The President laid before the Senate 01-21 Executive Order relating to changes in the organization of the executive branch of the government of Vermont pursuant to the provision of 3 V.S.A. §2002, which was read by the Secretary and is as follows:

**STATE OF VERMONT**

**EXECUTIVE DEPARTMENT**

**EXECUTIVE ORDER NO. 01-21**

[Creation of the Agency of Public Safety]

**WHEREAS**, the Governor, pursuant to Vermont Constitution Chapter II, Section 3, and 3 V.S.A. Section 2001 and Section 2002, may make such changes in the organization of the Executive Branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

**WHEREAS**, the Constitution of Vermont, Chapter II, Section 6 provides that no bill, resolution or other thing which shall have been passed by one house of the General Assembly shall have the effect of or be declared to be a law without the concurrence of the other, ensuring no action by a single house, committee or agent of the General Assembly may be binding on the Executive Branch; and

**WHEREAS**, any organizational changes made by the Governor, pursuant to 3 V.S.A. Section 2001 and Section 2002, shall be subject to disapproval by both houses of the General Assembly; and

**WHEREAS**, it is desirable to reorganize the agencies, departments and divisions of government by better coordinating certain activities and improve the coordination and effectiveness of services to the public; and

**WHEREAS**, the Department of Public Safety administers programs and provides services that share common functions, training, IT systems and equipment, public safety and policy interests and emergency response

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objectives with the Criminal Justice Council, E-911 Board, and the enforcement divisions of other state agencies and departments; and

**WHEREAS**, an Agency of Public Safety would be best positioned to elevate criminal justice to a Cabinet level by providing administrative and operational support for the state police training facilities and the Criminal Justice Council which would retain its independence and existing statutory duties and responsibilities for assisting local departments to achieve desired levels of certification and standardization now required for state aid, as well as investigating statewide incidents of police officer uses of force and police misconduct allegations; and

**WHEREAS**, the Department of Public Safety has been a leader in the State in the areas of Fair and Impartial policing and associated policy development, data collection and operational implementation, law enforcement training, technology and innovation; and

**WHEREAS**, in January 2020, the Department of Public Safety proposed an outline for modernizing policing and public safety in Vermont, which is based, in part, on more than 50 years of studies, reports and legislative drafts; and

**WHEREAS**, in June 2020, together with law enforcement and community leaders, DPS drafted a comprehensive 10-point strategy to accelerate progress in the organization of state law enforcement operations, modernizing our data collection and reporting technology; expanding alternative crisis response methodologies such as field mental health workers; providing enhanced statewide model policies in key areas, including use of force; modernizing hiring practices, training and supervisor selection; and developing community oversight models; and

**WHEREAS**, the goals of law enforcement modernization and reform and optimal government efficacy require a stronger and more direct alignment of State government law enforcement services, officer and executive training, recruitment and policy development and implementation; and

**WHEREAS**, dispatch services provided through the 911 Board and uniform law enforcement training and centralized reporting and investigations of conduct by the Vermont Criminal Justice Council can be more efficiently and cost-effectively supported and administered as part of an Agency of Public Safety, where additional opportunities for modernizing, reforming and standardizing service to Vermonters will be created; and

**WHEREAS**, the State could improve and more efficiently deliver law enforcement and emergency response services to the public through the reorganization of the Department of Public Safety into a single Agency of Public Safety; and

**WHEREAS**, the intent of this Executive Order is to provide a framework for the creation of an Agency of Public Safety within which the Executive and Legislative Branches can work together to establish mutually agreeable policy, structure and timeframes.

**NOW THEREFORE**, I, Philip B. Scott, by virtue of the authority vested in me as Governor of Vermont by the Constitution of the State of Vermont, Chapter II, Section 3, 3 V.S.A. § 209, 3 V.S.A. Chapter 41, 23 V.S.A. § 1 and 32 V.S.A. § 704a, do hereby create an Agency of Public Safety which shall be successor to the Department of Public Safety as follows:

1. The Agency of Public Safety is hereby created to directly align State government emergency management, fire safety, and law enforcement services, including emergency services, communications, technology and procurements, officer and executive training, recruitment and policy development and implementation.
2. All duties, obligations, responsibilities and authority, including all contracts, grant agreements, service level agreements and MOUs of the Department of Public Safety are hereby transferred to the Agency of Public Safety.
3. All financial assets and liabilities, including all appropriations associated with the positions transferred pursuant to paragraph 4 below, of the Department of Public Safety are hereby transferred to the Agency of Public Safety.
4. All authorized positions, functions, equipment, supplies and inventory of the Department of Public Safety are transferred to the Agency of Public Safety.
5. The positions of Commissioner of the Department of Public Safety and Deputy Commissioner of the Department of Public Safety are abolished and all the duties, responsibilities, and authority, including board, committee and council memberships, of the Commissioner and the Deputy Commissioner are hereby transferred to the Secretary of the Agency of Public Safety and the Deputy Secretary of the Agency of Public Safety, respectively.
6. The Secretary shall be responsible to the Governor and shall plan, coordinate and direct the functions vested in the Agency. The Secretary shall prepare and submit to the Governor an annual budget for the Agency.
7. Effective April 15, 2021, the Agency of Public Safety shall be headed by the Secretary appointed by the Governor with the advice and consent of the Senate.

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8. Effective April 15, 2021, the Secretary of the Agency of Public Safety may appoint a Deputy Secretary, with the approval of the Governor, who shall be exempt from the classified service.
  9. Effective April 15, 2021, the Agency of Public Safety shall consist of a Department of Fire Safety and Emergency Management, a Department of Law Enforcement and a Division of Support Services, as follows:
    - A. The Department of Fire Safety and Emergency Management shall be headed by a Commissioner of Fire Safety and Emergency Management appointed by the Secretary with the approval of the Governor. The Department of Fire Safety and Emergency Management shall be organized into four (4) Divisions, each reporting to the Commissioner of Fire Safety and Emergency Management:
      - 1) Homeland Security and Emergency Management;
      - 2) Inspection Division;
      - 3) Fire Safety Division
        - a) Investigation Unit
        - b) Prevention & Safety Unit; and
      - 1) Technical Response Unit
        - a) HazMat Team
        - b) USAR/Swiftwater Team.
    - B. The Department of Law Enforcement shall be headed by a Commissioner of Law Enforcement appointed by the Secretary with the approval of the Governor. Under this structure, the certified law enforcement officers serving in existing state government enforcement divisions shall serve under a single Agency and Department to ensure consistency of recruitment and hiring practices, training, policy application and adherence, internal investigation and discipline. The Department of Law Enforcement shall initially be organized into two (2) Divisions which shall report to the Commissioner of Law Enforcement, as follows:
      - 1) Motor Vehicle Enforcement; and
      - 2) Vermont State Police.

- C. The Division of Support Services shall report directly to the Deputy Secretary of the Agency of Public Safety. The Division of Support Services shall be organized into the following operational units:
- 1) Administrative Division;
  - 2) Communications Division – E-911, PSAPs, Radio Technology Unit;
  - 3) Fleet Services Division;
  - 4) Forensic Lab Division;
  - 5) Training Division, which shall include the Fire Safety Training Council the Criminal Justice Council and the State fire and police training facilities; and
  - 6) VT Crime Information Center, including the Sex Offender Registry.

The Commissioner of the Department of Fire Safety and Emergency Management and the Commissioner of Law Enforcement shall be exempt from the classified service.

10. As of April 15, 2021, the provisions of Title 20, and all other provisions of law referencing the Department of Public Safety or the Commissioner of Public Safety and the rules, policies and procedures of the Department of Public Safety shall be deemed to refer to and shall be applicable to the Agency of Public Safety and the Secretary of the Agency of Public Safety.

#### Criminal Justice Council

11. As of July 1, 2021, all duties, obligations, responsibilities and authority of the Criminal Justice Council under Title 20 Vermont Statutes Annotated, Chapter 151, including all contracts, grant agreements, service level agreements and MOUs of the Criminal Justice Council are hereby transferred to the Agency of Public Safety.
12. Notwithstanding the foregoing or anything to the contrary in this Executive Order, the Criminal Justice Council shall be the agency charged with carrying out the purposes of 20 V.S.A. § 2351(b) and all other duties, responsibilities and authority under Title 20 Vermont Statutes Annotated, Chapter 151.
13. As of July 1, 2021, all financial assets and liabilities of the Criminal Justice Council, including all appropriations associated with the

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positions transferred pursuant to paragraph 14 below, shall transfer to the Agency of Public Safety.

14. As of July 1, 2021, all authorized positions and equipment, supplies and inventory of the Criminal Justice Council are transferred to the Agency of Public Safety.
15. As of July 1, 2021, the Criminal Justice Council shall have the administrative, technical, and legal assistance of the Agency of Public Safety and may request the assistance of any Executive Branch Agency.
16. As of July 1, 2021, the Executive Director of the Criminal Justice Council shall be appointed by the Secretary of the Agency of Public Safety in consultation with the Criminal Justice Council, and subject to the approval of the Governor. The Executive Director of the Criminal Justice Council may appoint officers, employees, agents and consultants as he or she may deem necessary and prescribe their duties in consultation with the Criminal Justice Council, with the approval of the Secretary of the Agency of Public Safety.
17. As of July 1, 2021, in addition to the other duties imposed by law, the Executive Director shall perform such duties as may be assigned by the Council; provided, however, the Executive Director shall perform such administrative duties as may be assigned by the Secretary as required for the effective administration of the Council.
18. As of July 1, 2021, the rules of the Criminal Justice Council effective as of July 1, 2021 shall become a subtitle under the rules of the Agency of Public Safety, like the rules of the Vermont Fire Service Training Council.
19. Prior to April 15, 2021, the Commissioner of the Department of Public Safety shall consult with leadership of the General Assembly as well as the House and Senate Operations and Judiciary Committees on implementation of this Executive Order.
20. On or before November 15, 2021, the Secretary of the Agency of Public Safety shall report to the Governor, the leadership of the General Assembly and the House and Senate Operations and Judiciary Committees on the status of the organizational transition and recommend any legislative changes needed to continue an orderly and efficient organizational transition in accordance with this Executive Order.

Vermont Enhanced 911 Board

21. On such date as may be agreed by the General Assembly, but no later than July 1, 2022, all duties, obligations, responsibilities and authority of the Vermont Enhanced 911 Board (“911 Board”) under Title 30 Vermont Statutes Annotated, Chapter 87 and applicable rules, including all contracts, grant agreements, service level agreements and MOUs of the 911 Board shall be transferred to the Agency of Public Safety, Division of Operations.
22. Notwithstanding the foregoing or anything to the contrary in this Executive Order, the 911 Board shall be the agency charged with carrying out the duties, obligations, responsibilities and authority of Vermont Statutes Annotated, Title 30 Chapter 87.
23. Upon the transfer of the 911 Board in accordance with Section 21 above, all financial assets and liabilities of the 911 Board, including all appropriations associated with the positions transferred pursuant to paragraph 24 below, are hereby transferred to the Agency of Public Safety.
24. Upon the transfer of the 911 Board in accordance with Section 21 above, all authorized positions, functions, equipment supplies and inventory of the 911 Board are transferred to the Agency of Public Safety.
25. Upon the transfer of the 911 Board in accordance with Section 21 above, the 911 Board shall have the administrative, technical, and legal assistance of the Agency of Public Safety and may request the assistance of any Executive Branch Agency.
26. Upon the transfer of the 911 Board in accordance with Section 21 above, the Executive Director of the 911 Board shall be appointed by the Secretary of the Agency of Public Safety in consultation with the 911 Board, and subject to the approval of the Governor. The Executive Director of the 911 Board may appoint officers, employees, agents and consultants as he or she may deem necessary and prescribe their duties in consultation with the 911 Board, with the approval of the Secretary of the Agency of Public Safety.
27. Upon the transfer of the 911 Board in accordance with Section 21 above, in addition to the other duties imposed by law, the Executive Director shall perform such duties as may be assigned by the 911-Board; provided, however, the Executive Director shall perform such administrative duties as may be assigned by the Secretary as required for the effective administration of the 911 Board.



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28. Upon the transfer of the 911 Board in accordance with Section 21 above, the rules of the 911 Board effective as of that date shall become a subtitle under the rules of the Agency of Public Safety.

Motor Vehicle Enforcement Officers

29. In accordance with 23 V.S.A. § 1, no later than July 1, 2022, all duties, obligations, responsibilities and authority of the certified law enforcement officers in the Department of Motor Vehicles (“DMV”) Enforcement Division under Title 19 and Title 23 Vermont Statutes Annotated, Chapter 15 and applicable rules, are hereby transferred to the Agency of Public Safety, Department of Law Enforcement, Division of Motor Vehicle Enforcement.
30. Upon the transfer of the DMV Enforcement Division in accordance with Section 29 above, all financial assets and liabilities of the DMV Enforcement Division, including all appropriations associated with the positions transferred pursuant to paragraph 31 below, are hereby transferred to the Agency of Public Safety, Department of Law Enforcement, Division of Motor Vehicle Enforcement.
31. Upon the transfer of the DMV Enforcement Division in accordance with Section 29 above, all authorized positions, functions, equipment, supplies and inventory of the DMV Enforcement Division, including all sworn officers, are transferred to the Agency of Public Safety Department of Law Enforcement, Division of Motor Vehicle Enforcement.
32. Upon the transfer of the DMV Enforcement Division in accordance with Section 29 above, the chief executive officer (Director) of the Department of Law Enforcement, Division of Motor Vehicle Enforcement shall be appointed by the Secretary of the Agency of Public Safety, subject to the approval of the Governor. The chief executive officer shall be an exempt state employee and shall serve at the pleasure of the Secretary.
33. Upon the transfer of the DMV Enforcement Division in accordance with Section 29 above, the rules of the Agency of Transportation and DMV relating to the responsibilities and duties of enforcement officers effective as of that date shall be the rules of the Agency of Public Safety.
34. The Secretary of Public Safety, with the approval of the Secretary of Administration, shall determine the physical locations of the Departments and Divisions of the Agency of Public Safety.

35. The Secretary of the Agency of Public Safety shall further study the effectiveness, efficiency and delivery of State public safety law enforcement services and shall report to the Governor and the General Assembly on or before October 15, 2022 on the feasibility and advisability of transferring the operations of the Department of Fish and Wildlife certified law enforcement officers, Department of Liquor and Lottery certified law enforcement officers, the Capitol Police and the Department of Labor relating to V.O.S.H.A., Project WorkSAFE and Passenger Tramway Safety to the Agency of Public Safety.
36. On or before November 15, 2022, the Secretary of the Agency of Public Safety shall report to the Governor, the leadership of the General Assembly and the House and Senate Operations and Judiciary Committees on the status of the organizational transition and recommend any legislative changes needed to continue an orderly and efficient organizational transition in accordance with this Executive Order.
37. The Secretary of the Agency of Public Safety shall be a member of the Governor's Cabinet which shall consist of the Secretaries of the agencies as are created by law, as well as such Commissioners of the departments created by law as the Governor, in his judgment, shall appoint to be a member of the Cabinet.

This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002 and shall take effect on April 15, 2021, unless disapproved by both houses of the General Assembly.

WITNESS my name hereunto subscribed  
and the Great Seal of the State of Vermont  
hereunto affixed at Montpelier this 14th  
day of January, 2021.

/s/Philip B. Scott

PHILIP B. SCOTT  
Governor

#### EXECUTIVE ORDER 01-21

Thereupon, pursuant to the rules of the Senate, Executive Order No. 01-21 was referred to the Committee on Government Operations.

The President laid before the Senate 02-21 Executive Order relating to changes in the organization of the executive branch of the government of

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Vermont pursuant to the provision of 3 V.S.A. §2002, which was read by the Secretary and is as follows:

**STATE OF VERMONT**  
**EXECUTIVE DEPARTMENT**  
**EXECUTIVE ORDER NO. 02-21**

[Reorganization of the Natural Resources Board]

**WHEREAS**, the Governor, pursuant to the Vermont Constitution Chapter II, Section 3 and 3 V.S.A. Section 2001 and Section 2002, may make such changes in the organization of the Executive Branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

**WHEREAS**, the Constitution of Vermont, Chapter II, Section 6 provides that no bill, resolution or other thing which shall have been passed by one house of the General Assembly shall have the effect of or be declared to be a law without the concurrence of the other, ensuring no action by a single house, committee or agent of the General Assembly may be binding on the Executive Branch; and

**WHEREAS**, any organizational changes made by the Governor, pursuant to 3 V.S.A. Section 2001 and Section 2002, shall be subject to disapproval by both houses of the General Assembly; and

**WHEREAS**, it is desirable to reorganize the agencies, departments and divisions of government by better coordinating certain activities and improving the coordination and effectiveness of services to the public; and

**WHEREAS**, Act 250 has operated under the same administrative structure for over fifty years, consisting of District Environmental Commissions (“District Commissions”), administrative tribunals comprised of three volunteer members of the public, operating independently in 9 regions of the State; and

**WHEREAS**, from 1970 through 2004, the former Environmental Board oversaw the operations of the District Commissions and established policy precedents across the Act 250 enterprise through the issuance of decisions in appeals of Act 250 permits; and

**WHEREAS**, when the Natural Resources Board replaced the Environmental Board in 2004, the Natural Resources Board did not retain its ability to compel consistent application of policy and law across the nine District Commissions through the issuance of decisions in Act 250 appeals; and

**WHEREAS**, while Act 250 has served Vermont well, the scope and complexity of environmental, planning, and regulatory issues District Commission must consider has expanded significantly since 1970; and

**WHEREAS**, with complex emerging issues such as climate change, the interplay between Act 250 and other state and municipal regulatory programs, demographic challenges, and the growing economic divide between the rural and urban parts of our state, and with a current governance structure that lacks a unifying policy authority across the nine districts, restructuring Act 250 presents an opportunity to maximize natural resource protections, enable well planned growth, increase predictability and reduce redundancy with other state regulatory programs; and

**WHEREAS**, a professional Natural Resources Board that decides major cases will have the capacity to consider and manage complex issues now and into the future, and, through their Orders, will establish precedent and policy resulting in the consistent application of Act 250 criteria statewide; and

**WHEREAS**, in each proceeding of the restructured Natural Resources Board, two members from the District Commission from the District where the proposed project is located will sit with the Natural Resources Board so regional considerations will continue to inform Act 250 decisions.

**NOW THEREFORE**, by virtue of the authority vested in me as Governor by the Constitution of the State of Vermont, Chapter II, Section 3 and Section 20, 3 V.S.A. chapter 41 and 32 V.S.A. § 704a, I, Philip B. Scott, do hereby reorganize the Natural Resources Board and its District Commissions as follows:

1. As of July 1, 2021, a restructured Natural Resources Board made up of three full-time professional members is hereby created to professionalize and modernize the current governance structure, to unify policy authority across the nine District Commissions, to maximize natural resource protections, to enable well-planned growth, to increase predictability and uniformity and reduce redundancy and inconsistency with other state regulatory programs.
2. As of July 1, 2021, the Natural Resources Board created in 10 V.S.A. § 6021 consisting of five members appointed by the Governor (the “Original Board”) is hereby abolished and all the duties, responsibilities and authority of the Original Board are hereby transferred to a reconstituted Natural Resources Board made up of three full time professional members as established in Section 3 below.

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3. As of July 1, 2021, the Natural Resources Board shall consist of three full-time professional voting members which shall have all the duties, responsibilities, and authority of the Original Board and such duties, responsibilities and authority as set forth in this Order.

The members shall include a Chair and two additional members who shall be appointed by the Governor with the advice and consent of the Senate. In making these appointments, the Governor and the Senate shall give consideration to experience, expertise or skills relating to the environment or land use, as well as geographic, gender, ethnic and racial diversity. Following initial appointments, the three members shall serve six-year staggered terms.

Initial appointments shall be made prior to July 1, 2021. For initial appointments, the Chair shall be appointed to a six-year term, one member shall be appointed to a four-year term and the third member shall be appointed to a two-year term. Each of the three members shall be a full-time employees, exempt from the classified service, serving at the pleasure of the Governor.

When a particular application comes before the Board, two members from the District Commission from the District where an application being reviewed was located shall become voting members of the Board solely with respect to that matter. The two District Commission members shall be selected by the applicable Chair of the District Commission.

4. As of July 1, 2021, the authority of each of the District Commissions in 10 V.S.A. § 1084(b), to determine whether a complete application shall be processed as a major application with a required public hearing or a minor application, shall be transferred to the Natural Resources Board, acting without District Commissioners.
5. As of July 1, 2021, the authority of each of the District Commissions to determine whether to issue an administrative amendment shall be transferred to the Natural Resources Board, acting without District Commissioners.
6. As of July 1, 2021, all authority of each of the District Commissions in Title 10 relating to any application determined to be a major application or a minor application where a hearing

is requested, shall be transferred to the Natural Resources Board.

7. As of July 1, 2021, the provisions of Title 10 and the rules, policies and procedures of the Natural Resources Board relating to applications determined to be major applications or minor applications where a hearing is requested shall be deemed to refer to and shall be applicable to the Natural Resources Board.
8. An applicant who has received a Jurisdictional Opinion from a District Coordinator may, within 30 days from the issuance of the opinion, request reconsideration of the Jurisdictional Opinion by the Natural Resources Board, acting without the District Commissioners.
9. All complete applications filed with a District Commission prior to July 1, 2021 shall remain under the jurisdiction of the applicable District Commission until resolution of the application.

This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002. This Executive Order shall take effect on April 15, 2021, unless disapproved by both houses of the General Assembly.

WITNESS my name hereunto subscribed  
and the Great Seal of the State of Vermont  
hereunto affixed at Montpelier this 14th  
day of January, 2021.

/s/Philip B. Scott

PHILIP B. SCOTT  
Governor

#### EXECUTIVE ORDER 02-21

Thereupon, pursuant to the rules of the Senate, Executive Order No. 02-21 was referred to the Committee on Natural Resources and Energy.

#### **Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

#### **S. 33.**

By Senators Sirotkin, Balint, Brock and Clarkson,

An act relating to project-based tax increment financing districts.

To the Committee on Economic Development, Housing and General Affairs.

**S. 34.**

By Senators Sirotkin, Balint, Clarkson and Hooker,  
An act relating to funding affordable housing.

To the Committee on Economic Development, Housing and General Affairs.

**Bill Amended; Third Reading Ordered; Rules Suspended; Bill Passed;  
Bill Messaged**

**S. 9.**

Senator Sirotkin, for the Committee on Economic Development, Housing and General Affairs, to which was referred Senate bill entitled:

An act relating to extending certain workers' compensation amendments related to COVID-19.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

**Sec. 1. INTENT; WORKERS' COMPENSATION; EXTENSION OF  
COVID-19-RELATED PROVISIONS**

It is the intent of the General Assembly to continue uninterrupted from January 15, 2021 until 30 days after the termination of the state of emergency declared in response to COVID-19 pursuant to Executive Order 01-20:

(1) the Commissioner of Labor's authority pursuant to 2020 Acts and Resolves No. 150, Sec. 1 to temporarily extend deadlines and amend or waive specific requirements of Vermont's workers' compensation laws during a state of emergency related to COVID-19; and

(2) the provisions of 2020 Acts and Resolves No. 150, Sec. 2 establishing in certain circumstances a rebuttable presumption that a worker who is diagnosed with COVID-19 is entitled to benefits under Vermont's workers' compensation laws.

**Sec. 2. 2020 Acts and Resolves No. 150, Sec. 2(a)(1) is amended to read:**

(a)(1) In the case of a front-line worker, disability or death resulting from COVID-19 shall be presumed to be compensable pursuant to 21 V.S.A. chapter 9, provided that the front-line worker receives a positive laboratory test for COVID-19 or a diagnosis of COVID-19 from a licensed healthcare provider between March 1, 2020 and ~~January 15, 2021~~ the 30th day following the termination of the state of emergency declared in response to COVID-19

pursuant to Executive Order 01-20.

Sec. 3. 2020 Acts and Resolves No. 150, Sec. 2(b) is amended to read:

(b) For an employee who is not a front-line worker as defined in subdivision (a)(2)(B) of this section, disability or death resulting from COVID-19 shall be presumed to be compensable pursuant to 21 V.S.A. chapter 9 if the employee receives a positive laboratory test for COVID-19 or a diagnosis of COVID-19 from a licensed healthcare provider between April 1, 2020 and ~~January 15, 2021~~ the 30th day following the termination of the state of emergency declared in response to COVID-19 pursuant to Executive Order 01-20 and, not more than 14 days prior to the date on which the employee is tested or examined, either:

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Sec. 4. 2020 Acts and Resolves No. 150, Sec. 3 is amended to read:

Sec. 3. PROSPECTIVE REPEAL

In the absence of legislative action to the contrary, Secs. 1 and 2 of this act are repealed on ~~January 15, 2021~~ the 30th day following the termination of the state of emergency declared in response to COVID-19 pursuant to Executive Order 01-20.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage; except that notwithstanding 1 V.S.A. § 214, Secs. 1, 2, and 3 shall take effect retroactively on January 15, 2021.

And that when so amended the bill ought to pass.

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

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was placed on all remaining stages of its passage forthwith.

Thereupon, the bill was read the third time and passed.

Thereupon, on motion of Senator Balint, the rules were suspended, and the bill was ordered messaged to the House forthwith.

### **House Concurrent Resolutions**

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:



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By Reps. Goldman and others,

**H.C.R. 1.**

House concurrent resolution congratulating the 2020 Bellows Falls Union High School Terriers Division I championship field hockey team.

By Rep. Sullivan,

**H.C.R. 2.**

House concurrent resolution honoring Alice Wolf Gilborn of Dorset for her outstanding literary achievements.

By Reps. Goldman and others,

**H.C.R. 3.**

House concurrent resolution congratulating the 2020 Bellows Falls Union High School Terriers girls' cross-country team on winning its third consecutive Division III championship.

By Reps. Burke and others,

By Senators Balint and White,

**H.C.R. 4.**

House concurrent resolution honoring Kate O'Connor of Brattleboro for her superb leadership in the public and nonprofit sectors.

By Reps. Burke and others,

By Senators Balint and White,

**H.C.R. 5.**

House concurrent resolution honoring Ursula Dalem for her exemplary proprietorship of the Dalem Chalet in Brattleboro.

By Reps. Sibia and others,

**H.C.R. 6.**

House concurrent resolution designating January 2021 as School Board Recognition Month in Vermont.

**Adjournment**

On motion of Senator Balint, the Senate adjourned, to reconvene on Tuesday, January 19, 2021, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. J.R.S. 8.