

# Journal of the Senate

---

FRIDAY, APRIL 30, 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. 61

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

Madam President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

**H. 445.** An act relating to approval of an amendment to the charter of the Town of Underhill.

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

The House has considered bills originating in the Senate of the following titles:

**S. 42.** An act relating to establishing the Emergency Service Provider Wellness Commission.

**S. 66.** An act relating to electric bicycles.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the Senate is requested.

The House has considered Senate proposal of amendment to the following House bill:

**H. 218.** An act relating to the sale of unpasteurized raw milk.

And has severally concurred therein.

## Message from the House No. 62

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

Madam President:

I am directed to inform the Senate that:

The House has considered Senate proposal of amendment to the following House bill:

**H. 145.** An act relating to amending the standards for law enforcement use of force.

And has severally concurred therein.

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

**H.C.R. 52.** House concurrent resolution congratulating the Champlain Valley Union High School Redhawks girls' cross-country team on winning a 12th consecutive Division 1 championship.

**H.C.R. 53.** House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks boys' golf team on winning its third consecutive Division I championship.

**H.C.R. 54.** House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks Division I boys' cross-country championship team.

**H.C.R. 55.** House concurrent resolution honoring the Cystic Fibrosis Lifestyle Foundation for its achievements on behalf of persons with cystic fibrosis.

**H.C.R. 56.** House concurrent resolution honoring Elaine Pinckney for her illustrious career in public education.

**H.C.R. 57.** House concurrent resolution honoring former Arlington Selectboard Chair Keith Squires and former Arlington School Board Chair Donna Squires for their dedicated municipal civic service.

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

The House has considered concurrent resolution originating in the Senate of the following title:

**S.C.R. 5.** Senate concurrent resolution designating May 2021 as Mental Health Awareness Month in Vermont.

And has adopted the same in concurrence.

The Governor has informed the House that on April 29, 2021, he approved and signed bills originating in the House of the following titles:

**H. 20.** An act relating to pretrial risk assessments and pretrial services.

**H. 151.** An act relating to vital records, mausoleums and columbaria, and emergency health orders.

**H. 154.** An act relating to the failure of municipal officers to accept office.

**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 148.**

By Senators Ram, Campion, Hardy, Lyons, Pearson, Perchlik and Pollina,

An act relating to environmental justice in Vermont.

To the Committee on Natural Resources and Energy.

**Bill Referred**

House bill of the following title was read the first time and referred:

**H. 445.**

An act relating to approval of an amendment to the charter of the Town of Underhill.

To the Committee on Rules.

**Proposal of Amendment; Third Reading Ordered; Rules Suspended;  
Remaining States; Bill Passed**

**H. 171.**

Senator Lyons, for the Committee on Health and Welfare, to which was referred House bill entitled:

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

Reported recommending 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.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended 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.]

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of proposal of amendment of the Committee on Health and Welfare was amended as recommended by the Committee on Appropriations.



Thereupon, the proposal of amendment recommended by the Committee on Health and Welfare, as amended, was agreed to on a roll call, Yeas, 30 Nays 0.

Senator Brock having demanded the yeas and nays, they were taken and are as follows:

### **Roll Call**

**Those Senators who voted in the affirmative were:** Balint, Baruth, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Parent, Pearson, Perchlik, Pollina, Ram, Sears, Sirotkin, Starr, Terenzini, Westman, White.

**Those Senators who voted in the negative were:** None.

Thereupon, 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 in concurrence with proposal of amendment.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

### **Proposals of Amendment; Third Reading Ordered**

#### **H. 421.**

Senator Pollina, for the Committee on Agriculture, to which was referred House bill entitled:

An act relating to animal cruelty investigation response and training.

Reported recommending 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.

And that the bill ought to pass in concurrence with such proposals of amendment.

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

**Proposal of Amendment; Third Reading Ordered**

**H. 430.**

Senator Hooker, for the Committee on Health and Welfare, to which was referred House bill entitled:

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

Reported recommending 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.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House 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

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of proposal of amendment of the Committee on Health and Welfare was amended as recommended by the Committee on Appropriations.

Thereupon, the proposal of amendment recommended by the Committee on Health and Welfare, as amended, was agreed to and third reading of the bill was ordered.

### **Proposal of Amendment; Third Reading Ordered**

#### **H. 434.**

Senator Collamore, for the Committee on Agriculture, to which was referred House bill entitled:

An act relating to establishing the Agricultural Innovation Board.

Reported recommending 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 (e) 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.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Starr, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Agriculture.

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

### **Bill Passed**

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

Senate bill of the following title:

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.

Was read the third time and passed, on a roll call, Yeas 29, Nays 1.

Senator Pearson having demanded the yeas and nays, they were taken and are as follows:

### **Roll Call**

**Those Senators who voted in the affirmative were:** Balint, Baruth, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Parent, Pearson, Perchlik, Pollina, Ram, Sears, Sirotkin, Starr, Terenzini, Westman, White.

**The Senator who voted in the negative was:** Ingalls.

### **Bills Passed in Concurrence with Proposals of Amendment**

House bills of the following titles were severally read the third time and passed in concurrence with proposals of amendment:

**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.

**Proposal of Amendment; Motion to Recess****H. 439.**

House bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senators Kitchel, Balint, Baruth, Nitka, Sears, Starr and Westman moved to amend the Senate proposal of amendment as follows:

First: By striking out Sec. B.204, judiciary, in its entirety and inserting in lieu thereof a new Sec. B.204 to read as follows:

Sec. B.204 Judiciary

Personal services	43,787,084
Operating expenses	10,626,239
Grants	<u>121,030</u>
Total	54,534,353
Source of funds	
General fund	48,337,826
Special funds	3,200,659
Federal funds	900,469
Interdepartmental transfers	<u>2,095,399</u>
Total	54,534,353

Second: By striking out Sec. B.207, sheriffs, in its entirety and inserting in lieu of a new Sec. B.207 to read as follows:

Sec. B.207 Sheriffs

Personal services	4,251,923
Operating expenses	<u>398,724</u>
Total	4,650,647
Source of funds	
General fund	<u>4,650,647</u>
Total	4,650,647

Third: By striking out Sec. B.515, retired teachers' health care and medical benefits, in its entirety and inserting in lieu thereof a new Sec. B.515 to read as follows:

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

Grants	<u>48,929,622</u>
Total	48,929,622

Source of funds	
General fund	35,093,844
Education fund	<u>13,835,778</u>
Total	48,929,622

Fourth: Sec. B.1106, fiscal year 2022 one-time General Fund appropriations, in subsection (a), by striking out subdivision (8) in its entirety and inserting a new subdivision (8) to read as follows:

(8) \$175,000 to the Legislature for the Office of Legislative Operations to contract for the analytical work needed for the Task Force on Affordable, Accessible Health Care established in Sec. E.126.2 of this act.

Fifth: In Sec. C.101 subsection (b) in the last sentence by striking out the word structural.

Sixth By inserting a new section to be Sec. C.112 to read as follows:

Sec. C.112 2021 Acts and Resolves No. 9, Sec. 16 is amended to read as follows:

Sec. 16 EDUCATION SERVICES; FEDERAL FUNDS APPROPRIATIONS

(a) Afterschool and Summer Programs: In fiscal year 2021 and to be carried forward, the sum of \$4,000,000.00 is appropriated from federal funds for Elementary and Secondary Emergency School Relief (~~ESSR~~) (ESSER) provided in the American Rescue Plan Act of 2021 Section 2001(f) to the Agency of Education to be used for grants to afterschool and summer programs.

\* \* \*

Seventh: In Sec. D.101, fund transfers, reversions and reserves, in subdivision (b)(2) after the words Secretary of State Services Funds by striking out the number \$2,867,898.00 and inserting in lieu thereof \$2,467,898.00

Eighth: By striking out Sec.E.126.2 in its entirety and inserting in lieu thereof a new Sec. E.126.2 to read as follows:

Sec. E.126.2 TASK FORCE ON AFFORDABLE, ACCESSIBLE HEALTH CARE; REPORT

(a) Creation. There is created the Task Force on Affordable, Accessible Health Care to explore opportunities to make health care more affordable for Vermont residents and employers.

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

(1) three current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House; and

(2) three current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees.

(c) Powers and duties. The Task Force shall explore opportunities to make health care, including prescription drugs, more affordable for Vermont residents and employers, including identifying potential opportunities to leverage federal flexibility and financing and to expand existing public health care programs. The Task Force shall consider the following, keeping in mind the principles for health care reform enacted in 2020 Acts and Resolves No. 48 and codified at 18 V.S.A. § 9371:

(1) the long-term trends in out-of-pocket costs in Vermont in individual and small group health insurance plans and in large group health insurance plans;

(2) how Vermont's current health care system is impacting Vermont residents and businesses and their access to affordable health care;

(3) the extent to which Vermont's uninsured rate may have increased during the COVID-19 pandemic and the specific causes of any such increase;

(4) opportunities to decrease health care disparities, especially those highlighted by the COVID-19 pandemic and those attributable to a lack of access to affordable health care services;

(5) the findings and recommendations from previous studies and analyses relating to the affordability of health care coverage in Vermont; and

(6) opportunities made available by the Biden Administration to expand access to affordable health care through existing public health care programs or through the creation of new or expanded public option programs, including the potential for expanding Medicare to cover individuals between 50 and 64 years of age and for expanding Vermont's Dr. Dynasaur program to cover individuals up to 26 years of age to align with the young adult coverage under the Affordable Care Act.

(d) Public engagement. In order to gain a fuller understanding of the impact of health care affordability issues on Vermont residents, the Task Force shall:

(1) Solicit input from a wide range of stakeholders, including health care providers; health care administrators; Vermonters who lack health insurance or who have inadequate health coverage; employers; labor unions; members of the New American and Black, Indigenous, and Persons of Color communities; Vermonters with low income; and older Vermonters.

(2) Beginning on or before September 15, 2021, hold public hearings to hear from Vermont residents from around the State. Public hearings may be held in person or by remote means. A summary of the findings from these field hearings shall be included as an appendix to the Task Force report.

(e) Assistance. To the extent that applicable funds are appropriated in Sec. B.1106 of this act, the Task Force, through the Office of Legislative Operations, shall hire a consultant to provide technical and research assistance, deliver actuarial analyses as needed, and support the work of the Task Force. In addition, the Task Force shall have the administrative, technical, and legal assistance of the Office of Legislative Operations, the Office of Legislative Counsel, and the Joint Fiscal Office.

(f) Report. On or before January 15, 2022, the Task Force shall present to the General Assembly its findings and recommendations regarding the most cost-effective ways to expand access to affordable health care for Vermonters without health insurance and those facing high health care costs and the various options available to implement these recommendations.

(g) Meetings.

(1) The first meeting of the Task Force shall occur on or before August 15, 2021.

(2) The Task Force shall select House and Senate co-chairs from among its members at its first meeting. The Co-Chairs shall alternate acting as Chair at Task Force meetings.

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

(4) The Task Force shall cease to exist on January 15, 2022.

(h) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, the members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings. These payments shall be made from monies appropriated to the General Assembly.

Ninth: By inserting a new section to be Sec. E.127.1 to read as follows:

Sec. E.127.1 INFORMATION TECHNOLOGY REVIEW

(a) The Executive Branch shall transfer, upon request, one vacant position



for use in the Legislative Joint Fiscal Office (JFO) for a staff position, or the JFO may hire a consultant, to provide support to the General Assembly to conduct independent reviews of State information technology projects and operations.

(b) The Secretary of Administration and the Chief Information Officer shall:

(1) provide to the JFO access to the reviews conducted by Independent Verification and Validation (IVV) firms hired to evaluate the State's current and planned information technology project, as requested;

(2) ensure that IVV firms' contracts allow the JFO to make requests for information related to the projects that it is reviewing and that such requests are provided to the JFO in a confidential manner; and

(3) provide to the JFO access to all other documentation related to current and planned information technology projects and operations, as requested.

(c) The JFO shall maintain a memorandum of understanding with the Executive Branch relating to any documentation provided under subsection (b) of this section that shall protect security and confidentiality.

(d) To fund this work for fiscal year 2022 and fiscal year 2023, notwithstanding 32 V.S.A. § 706, at the close of fiscal year 2021, \$250,000.00 in carryforward from the legislative budget shall be transferred to the JFO.

Tenth: By striking out Secs. E.207, E.207.1 and Sec.207.2 in their entireties.

Eleventh: By striking out Sec. E.207.3 in its entirety and inserting in lieu thereof a new Sec. E.207.3 to read as follows:

Sec. E.207.3 JOINT LEGISLATIVE JUSTICE OVERSIGHT  
COMMITTEE; TRANSPORTS; STUDY; REPORT

(a) The Joint Legislative Justice Oversight Committee shall examine the current system for transporting prisoners and persons with a mental condition or psychiatric disability who are in the custody of the State, including transports provided by deputy sheriffs who are paid by the State pursuant to 24 V.S.A. § 290(b) and transports provided pursuant to contracts that certain State agencies have entered into with county sheriff's departments. The Committee may recommend changes to the existing system and shall identify any benefits and adverse consequences related to those recommended changes.

(b) On or before November 15, 2021, the Committee shall submit a report to the House and Senate Committees on Appropriations, on Government

Operations, and on Judiciary regarding its findings and any recommendations for legislative action.

(c) In conducting its review pursuant to this section, the Committee shall review audits prepared by the Auditor of Accounts regarding the use of deputies who are paid by the State pursuant to 24 V.S.A. § 290(b) during the state of emergency declared pursuant to Executive Order 01-20, as amended, and the Inmate Transportation Study Report prepared pursuant to 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.207.

Twelfth: In Sec. E.220.1, study committee on program funding related to criminal justice fines, fees, in subsection (b), by striking out subdivisions (8) and (9) in their entireties and inserting in lieu thereof the following:

(8) the Commissioner of Public Safety or designee;

(9) the Commissioner for Children and Families or designee; and

(10) the Executive Director of the Department of State's Attorneys and Sheriffs or designee.

Thirteenth: In Sec. E.220.1, study committee on program funding related to criminal justice fines, fees, by striking out subsection (e) in its entirety and inserting in lieu thereof the following:

(e) For purposes of its study of these issues, the Committee shall have the assistance of the Department of Finance and Management, the CCVS, and the Joint Fiscal Office.

Fourteenth: In Sec.E.227, Department of Financial Regulation; essential health benefits; benchmark plan review, in subsection (a), by striking out subdivisions (4) and (5) in their entireties and inserting in lieu thereof the following:

(4) durable medical equipment;

(5) fertility services; and

(6) at least two primary care visits per year with no cost-sharing requirement.

Fifteenth: By inserting a new Section to be Sec. E.227.1 to read as follows:  
Sec. E.227.1 DEPARTMENT OF FINANCIAL REGULATION; 340B DRUG PRICING PROGRAM REPORT

(a) On or before January 15, 2022, the Department of Financial Regulation, in consultation with the Office of the Attorney General, shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance regarding national activity affecting

participation in the 340B Drug Pricing Program, including:

(1) recent changes to the manner in which prescription drug manufacturers pay rebates to pharmacy benefit managers for prescriptions filled through 340B pharmacies;

(2) the potential impacts of these changes on Vermont stakeholders, including individual Vermonters; and

(3) possible State responses to prescription drug manufacturer and pharmacy benefit manager actions related to participation in the 340B Drug Pricing Program.

Sixteenth: In Sec. E.235 study; E-911 special fund, in subsection (a) after the last sentence, by adding the words , and recommendations regarding the structure or governance of the E-911 program.

Seventeenth: In Sec. E.318.1, Department for Children and Families; specialized childcare transportation, by adding a subsection (b) to read as follows:

(b) On or before November 1, 2021, the Department for Children and Families shall submit a written report to the House Committees on Appropriations and on Human Services; and the Senate Committees on Appropriations and on Health and Welfare outlining the outcome of the statewide transportation Request for Proposal regarding transportation services. The report shall identify the average number of children served under the Specialized Transportation Services program by region in fiscal year 2021 and the average number of number of children served under the Specialized Transportation Services program by region in July, August, and September 2021.

Eighteenth: In Sec. E.335, corrections appropriations, unexpended funds transfers; justice reinvestment; report, in subsection (b), in the second sentence after “Senate Committees on Appropriations and” by striking out the word “Institutions” and inserting the word Judiciary.

Nineteenth: In Sec. E.515, retired teachers’ health care and medical care and medical benefits, by adding subsection (b) to read as follows:

(b) \$13,835,778 is appropriated from the education fund for the normal cost of the Retired Teachers’ Health and Medical Benefits plan.

Twentieth: In Sec. G.301, by striking out in subsection (a), subdivision (3), in its entirety and inserting in lieu thereof a new subsection (a), subdivision (3), to read as follows:

(3) \$10,000,000 to the Secretary of Administration for equitable distribution, to be determined in consultation with the Association of Vermont Independent Colleges, among the 11 independent colleges. Distribution factors to be considered shall include ARPA funding guidelines and creating a floor to protect smaller schools. In order to qualify for funding from this appropriation, institutions must be accredited and chartered in Vermont.

Twenty-first: Sec. G.302, economic development investments, in subdivision (a)(2) after the last sentence, by inserting The Agency of Commerce and Community Development shall award the amount of \$1,000,000.00 in fiscal year 2022 to regional planning commissions for the purposes of brownfields assessment. In awarding funds under this section, the Secretary, in consultation with VAPDA, shall select one regional planning commission to administer these funds. To ensure statewide availability, the selected regional planning commission shall subgrant to regional planning commissions with brownfield programs, with not more than 10 percent of the funds being used for administrative purposes.

Twenty-second: In Sec. G.400, housing and homelessness investments, by striking out in subsection (a), subdivision (1), in its entirety and inserting in lieu thereof a new subsection (a), subdivision(1) to read as follows:

(1) \$12,000,000 to Vermont Housing Conservation Board to provide housing and increase shelter capacity for Vermonters experiencing homelessness. This allocation is designed for those populations who may be displaced from the hotel/motel voucher program or are currently without housing. Vermont Housing and Conservation Board shall distribute these funds in consultation with the Secretary of Human Services.

Twenty-third: In Sec. G.400, housing and homelessness investments, by striking out subsection, (a) subdivision (3) in its entirety and inserting in lieu thereof a new subsection (a), subdivision (3) to read as follows:

(3) \$1,500,000 to the Agency of Commerce and Community Development.

(A) \$650,000 shall be used by the Agency to provide technical assistance to municipalities on accessory dwelling and small lot development as well as bylaw modernization consistent with specifications enacted in the 2021 legislative session. This allocation may include grants to Regional Planning Commissions

(B) \$850,000 shall be used provide grants of \$75,000 to each Regional Planning Commission for increased workload from the pandemic.

Twenty-Fourth: In Sec. G.501, state technology modernization investments; by striking out in subsection (a), subdivision (3) in its entirety

and inserting in lieu thereof a new subsection (a), subdivision (3) to read as follows:

(3) \$500,000 to Natural Resources Board for Act 250 scanning project – digitize land use records.

Twenty-Fifth: In Sec. G.600, subsection (a) subdivision (2), after the last sentence by adding the words On or before January 31, 2022 and thereafter upon request from a legislative committee, the Vermont Housing Finance Agency shall issue a report to the General Assembly detailing the programs to which funds appropriated under this subdivision were provided. The report shall include the results of its investigations into on-bill to-the-meter billing and other methods to provide weatherization financing.

Twenty-Sixth: In Sec. G.600, by striking out subsection (a), subdivision (6), in its entirety and inserting in lieu thereof a new subsection (a), subdivision (6) the follow:

(6) \$1,500,000 to the Department for Children and Families to grant to the Community Action Agencies, to be used through December 31, 2024, to support at least five Financial and Clean Energy Coaches to assist Vermonters with low and moderate income in comprehensive financial coaching, including budgeting, debt reduction, credit building, and asset development, with an emphasis on reducing their reliance on carbon fuel-based technologies, and to support one statewide coordinator based at a Community Action Agency.

Twenty-seventh: By striking out Sec. H.100, effective dates, in its entirety and inserting in lieu thereof a new Sec. H.100 to read as follows:

(a) This section and Secs. B.1104 (fiscal year 2022 one-time transportation fund appropriations), C.100 through C.109 (fiscal year 2021 one-time appropriations, adjustment and amendments), E.234 (building efficiency goals), E.234.1 (Home Weatherization Assistance Program), E.234.2 (Public Utility Commission proceeding), E.234.3 (development of weatherization workforce and counseling services; reports), E.234.4 (Energy Saving Fund), F.112 (onetime salary payments authorized), G.300(a)(2) (workforce investments), G.400 (b)(1) (housing and homelessness related investments), and G.500 (a)(2)(E 911 funds) shall take effect upon passage.

(b) Sec. E.306.1 (Vermont Health Benefit Exchange) shall take effect on October 1, 2021.

(c) All remaining sections shall take effect on July 1, 2021.

Thereupon, on motion of Senator Balint the Senate recessed until 4:00 P.M.

**Called to Order**

The Senate was called to order by the President.

**Consideration Resumed; Proposal of Amendment****H. 439.**

Consideration was resumed on House bill entitled:

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

Thereupon, pending the question, Shall the Senate proposal of amendment of be amended as proposed by Senators Kitchel, Balint, Baruth, Nitka, Sears, Starr and Westman?, Senator Lyons moved to amend the proposal of amendment as follows:

By striking out the *fifteenth* instance of amendment in its entirety and inserting in lieu thereof a new *fifteenth* instance of amendment to read as follows:

Fifteenth: By inserting three new sections to be Secs. E.227.1–E.227.3 to read as follows:

Sec. E.227.1 18 V.S.A. § 9473 is amended to read:

§ 9473. PHARMACY BENEFIT MANAGERS; REQUIRED PRACTICES  
WITH RESPECT TO PHARMACIES

\* \* \*

(d) A pharmacy benefit manager shall not:

(1) require a claim for a drug to include a modifier to indicate that the drug is a 340B drug unless the claim is for payment, directly or indirectly, by Medicaid; or

(2) restrict access to a pharmacy network or adjust reimbursement rates based on a pharmacy's participation in a 340B contract pharmacy arrangement.

Sec. E.227.2 REPEAL

18 V.S.A. § 9473(d) (pharmacy benefit managers; 340B entities) is repealed on January 1, 2023.

Sec. E.227.3. DEPARTMENT OF FINANCIAL REGULATION; 340B  
DRUG PRICING PROGRAM; REPORT

On or before January 15, 2022, the Department of Financial Regulation, in consultation with the Office of the Attorney General, shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare

and on Finance regarding national activity affecting participation in the 340B Drug Pricing Program, including:

(1) recent changes to the manner in which prescription drug manufacturers pay rebates to pharmacy benefit managers for prescriptions filled through 340B pharmacies;

(2) the potential impacts of these changes on Vermont stakeholders, including individual Vermonters; and

(3) possible State responses to prescription drug manufacturer and pharmacy benefit manager actions related to participation in the 340B Drug Pricing Program.

Which was agreed to.

Thereupon, the pending question, Shall the Senate proposal of amendment be amended as proposed by Senators Kitchel, Balint, Baruth, Nitka, Sears, Starr and Westman, as amended was decided in the affirmative.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 30, Nays 0.

Senator Kitchel having demanded the yeas and nays, they were taken and are as follows:

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Balint, Baruth, Benning, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Parent, Pearson, Perchlik, Pollina, Ram, Sears, Sirotkin, Starr, Terenzini, Westman, White.

**Those Senators who voted in the negative were:** None.

#### **Rules Suspended; Bills Messaged**

On motion of Senator Balint, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

**S. 100, H. 171, H. 439.**

#### **Senate Concurrent Resolution**

The following joint concurrent resolution, 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, was adopted on the part of the Senate:

By Senators Kitchel, Lyons and Sears,

By Reps. Lippert and others,

**S.C.R. 5.**

Senate concurrent resolution designating May 2021 as Mental Health Awareness Month in Vermont.

**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:

By Reps. Yantachka and others,

By Senators Baruth, Chittenden, Lyons, Pearson, Ram and Sirotkin,

**H.C.R. 52.**

House concurrent resolution congratulating the Champlain Valley Union High School Redhawks girls' cross-country team on winning a 12th consecutive Division 1 championship.

By Reps. Yantachka and others,

By Senators Baruth, Chittenden, Lyons, Pearson, Ram and Sirotkin,

**H.C.R. 53.**

House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks boys' golf team on winning its third consecutive Division I championship.

By Reps. Yantachka and others,

By Senators Baruth, Chittenden, Lyons, Pearson, Ram and Sirotkin,

**H.C.R. 54.**

House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks Division I boys' cross-country championship team.

By Rep. Killacky,

**H.C.R. 55.**

House concurrent resolution honoring the Cystic Fibrosis Lifestyle Foundation for its achievements on behalf of persons with cystic fibrosis.



---

By Reps. Webb and others,

By Senators Chittenden, Lyons, Pearson, Ram and Sirotkin,

**H.C.R. 56.**

House concurrent resolution honoring Elaine Pinckney for her illustrious career in public education.

By Reps. James and Bongartz,

By Senators Campion and Sears,

**H.C.R. 57.**

House concurrent resolution honoring former Arlington Selectboard Chair Keith Squires and former Arlington School Board Chair Donna Squires for their dedicated municipal civic service.

**Adjournment**

On motion of Senator Balint, the Senate adjourned, to reconvene on Tuesday, May 4, 2021, at ten o'clock in the forenoon pursuant to J.R.S. 26.