

Journal of the Senate

TUESDAY, FEBRUARY 8, 2022

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Bill Referred to Committee on Appropriations

S. 91.

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to Parent Child Center Network.

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 41.

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Balint,

J.R.S. 41. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 11, 2022, it be to meet again no later than Tuesday, February 15, 2022.

Joint Resolution Placed on Calendar

J.R.H. 14.

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution authorizing the 2022 Green Mountain Girls State educational program to use the State House

Whereas, the American Legion Auxiliary Department of Vermont sponsors the Green Mountain Girls State educational program, providing a group of girls entering the 12th grade a special opportunity to study the workings of State government in Montpelier, and

Whereas, the Green Mountain Girls State educational program serves as an outstanding leadership-training forum for future civic leaders in Vermont, and

Whereas, as part of their visit to the State's capital city, the girls conduct a mock legislative session in the State House, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Girls State educational program on Wednesday, June 22, 2022, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Auxiliary Department of Vermont in Montpelier.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 367.

An act relating to the management of perpetual care funds by cemetery associations.

To the Committee on Government Operations.

H. 461.

An act relating to excluding the income of asylum seekers and refugees from household income.

To the Committee on Finance.

H. 489.

An act relating to miscellaneous provisions affecting health insurance regulation.

To the Committee on Finance.

H. 701.

An act relating to cannabis license fees.

To the Committee on Finance.

**Proposal of Amendment Amended; Bill Passed in Concurrence with
Proposal of Amendment****H. 679.**

House bill entitled:

An act relating to fiscal year 2022 budget adjustments.

Was taken up.

Thereupon, pending third reading of the bill, Senators Pearson, Balint, Baruth, Bray, Campion, Chittenden, Clarkson, Hardy, Hooker, Lyons, MacDonald, McCormack, Perchlik, Pollina and Ram Hinsdale moved to amend the Senate proposal of amendment by adding a new section to be numbered Sec. 71a to read as follows:

**Sec. 71a. AMERICAN RESCUE PLAN ACT; PREVAILING WAGE
REQUIREMENT**

(a)(1) Except as provided in subsection (b) of this section, any contract awarded for a maintenance, construction, or improvement project that receives \$200,000.00 or more in American Rescue Plan Act (ARPA) funds shall provide that all construction employees working on the project shall be paid not less than the mean prevailing wage published periodically by the Vermont Department of Labor in its occupational employment and wage survey plus an additional fringe benefit of 42 and one-half percent of wage, as calculated by the current Vermont prevailing wage survey.

(2) As used in this subsection, “fringe benefits” has the same meaning as used in 29 V.S.A. § 161.

(b) The requirements of subsection (a) of this section shall not apply to any maintenance, construction, or improvement project that received \$200,000.00 or more in American Rescue Plan Act (ARPA) funds appropriated prior to the effective date of this act if any of the following apply as of the effective date of this act:

- (1) the project has been invited or advertised for bid;
- (2) the project is under contract; or
- (3) the funds are obligated.

(c) Subsection (a) of this section shall not apply to contracts awarded for maintenance, construction, or improvements projects that are required by law to comply with the requirements of the federal Davis-Bacon Act.

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Kitchel moved to amend the Senate proposal of amendment as follows:

First: By striking out Sec. 53, fiscal year 2022 unallocated reserve, in its entirety and inserting in lieu thereof a new Sec. 53 to read as follows:

Sec. 53. FISCAL YEAR 2022 UNALLOCATED RESERVE

(a) After satisfying the requirements of 32 V.S.A. § 308, and after other reserve requirements have been met, but prior to satisfying the requirements of 32 V.S.A. § 308c, the first \$81,000,000 of remaining unreserved and undesignated funds at the close of fiscal year 2022 shall remain in the General Fund and be carried forward to fiscal year 2023. These funds may be used to provide state match to the federal Infrastructure Investment and Jobs Act.

(b) After meeting the requirements of subsection (a) of this section, but prior to satisfying the requirements of 32 V.S.A. § 308c, the remaining unreserved and undesignated funds at the close of fiscal year 2022 shall be allocated as follows:

(1) \$5,000,000 shall be transferred to the Property Management Fund (58700) established by 29 V.S.A. § 160.

(2) \$20,000,000 is appropriated to the State Treasurer's Office to be used to redeem, prior to maturity, State of Vermont general obligation bonds that may become eligible for redemption in fiscal years 2022 and 2023. These funds shall carry forward into fiscal year 2023 and be used only for the purpose of redeeming State of Vermont general obligation bonds prior to maturity.

(3) \$25,114,179 is appropriated to the extent available and, in fiscal year 2022, the Commissioner of Finance and Management is authorized to replace American Rescue Plan Act – Coronavirus State Fiscal Recovery Funds appropriated in 2021 Acts and Resolves No. 74, Sec. G.300, as amended by Sec. 68 of this act, with General Fund dollars in the following amounts:

(A) \$6,000,000 to replace the fund source in the appropriation in Sec. G.300(a)(23) (Vermont Foodbank);

(B) \$1,001,913 to replace the fund source in the appropriation in Sec. G.300(a)(26) (adult day services);

(C) \$4,934,590 to replace the fund source in the appropriation in Sec. G.300(a)(27) (Department of Corrections);

(D) \$12,803,996 to replace the fund source in the appropriation in Sec. G.300(a)(28) (Department of Labor); and

(E) \$373,680 to replace the fund source in the appropriation in Sec. G.300(a)(29) (Vermont Veterans' Home).

(c) After meeting the requirements of subsections (a) and (b) of this section, but prior to satisfying the requirements of 32 V.S.A. § 308c, the remaining unreserved and undesignated funds at the close of fiscal year 2022 shall remain in the General Fund and be carried forward to fiscal year 2023.

Second: By adding a new section to be Sec. 67a to read as follows:

Sec. 67a. REAFFIRMATION OF MULTIYEAR FUNDING PRIORITIES
FOR AMERICAN RESCUE PLAN ACT (ARPA) AND OTHER
FEDERAL AND STATE FUNDS

(a) In 2021 Acts and Resolves No. 74, Sec. G.100, the General Assembly recognized that ARPA State Fiscal Relief funds, along with other federal or State funds, offer the unprecedented opportunity to invest in Vermont's recovery and long-term future by supporting Vermonters' health and well-being and by strengthening Vermont's communities, businesses, environment, and climate.

(b) In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was enacted. This federal law includes unprecedented levels of federal investments for broadband; water, transportation, and electricity infrastructure; environmental remediation; cybersecurity; and carbon reduction and climate resilience strategies. The law authorizes approximately \$1.2 trillion of funding over five years, of which approximately \$550 billion is newly authorized spending, for transformative investments in these critical infrastructure systems. The law provides for formula funding to states, as well as competitive grants that states may apply for to seek additional funding, with nearly 50 percent of the additional funding allocated for nontransportation investments. While match requirements vary by project and funding stream, the additional state match requirements necessary to draw down the nontransportation formula and competitive grant funding will be substantial.

(c) The General Assembly reaffirms the intention of 2021 Acts and Resolves No. 74, Sec. G.100 and will seek to make the budget and appropriations processes of the 2022 legislative session consistent with the

need to create state fiscal capacity to maximize the federal funding opportunities in the IJA for broadband, cybersecurity, water, energy, and climate initiatives.

Third: In Sec. 68, which amends 2021 Acts and Resolves No. 74, Sec. G.300, by striking out subdivision (a)(32) in its entirety and inserting in lieu thereof a new subdivision (32) to read as follows:

(32) \$1,500,000 to the Department of Buildings and General Services to develop and issue the request for proposal for the State House expansion planning design, provided that any funds remaining unobligated by October 1, 2023 shall be reverted and made available for reallocation.

Fourth: In Sec. 72, workforce recruitment and retention funding for employees of eligible health care and social service employers, in subsection (b), by striking out subdivision (8) in its entirety and inserting in lieu thereof a new subdivision (8) to read as follows:

(8) organizations recognized by the Agency of Human Services through their status as provider grant recipients providing health support services, including the area agencies on aging; organizations providing peer support services; organizations providing peer outreach services to individuals with intellectual disabilities; organizations providing children's integrated services; shared living providers; recovery centers; children, youth, and family-based support providers; and programs licensed by the Department for Children and Families as residential treatment programs.

Fifth: By striking out Sec. 72a, Medicaid home- and community-based services (HCBS) plan, in its entirety and inserting in lieu thereof a new Sec. 72a to read as follows:

Sec. 72a. MEDICAID HOME- AND COMMUNITY-BASED SERVICES
(HCBS) PLAN

(a) Pursuant to Sec. 9817 of the American Rescue Plan Act (ARPA), in October 2021, the State submitted a home- and community-based services (HCBS) spending plan to the Centers for Medicare and Medicaid Services. This plan currently totals \$146,600,000, consisting of the following major components:

(1) \$77,800,000 allocated to improve services;

(2) \$25,000,000 allocated to promote a high-performing and stable HCBS workforce; and

(3) \$43,800,000 allocated to improve HCBS care through data systems, value-based payment models, and oversight.

(b) The Agency of Human Services (AHS) is authorized to transfer General Fund appropriations made in fiscal year 2022 in the Global Commitment line to a new, one-time General Fund HCBS appropriation departmental ID. The amount transferred shall be not greater than the amount accounted for in fiscal year 2022 as a result of the 10 percent match rate allowed under ARPA Sec. 9817. The estimate of this transfer is between \$65,000,000 and \$69,000,000. Up to \$7,540,128 of the funds transferred and appropriated in this subsection may be used in fiscal year 2022 as State matching funds in 2021 Acts and Resolves No. 74, Sec. B.301 for the \$17,136,654 HCBS Global Commitment rate increases provided in 2021 Acts and Resolves No. 74. AHS shall report to the Joint Fiscal Committee in July 2022 on the actual amount transferred pursuant to this authority and the amount expended as the State match for all the HCBS plan expenditures in fiscal year 2022. Funds transferred and appropriated under this subsection shall carry forward until expended and may only be used as State matching funds for the HCBS plan.

(c) In fiscal year 2022, a total of \$59,457,740 is appropriated from the Global Commitment Fund to AHS to meet the objectives of the HCBS plan. This appropriation consists of \$17,136,654 as appropriated in 2021 Acts and Resolves No. 74 for a three percent rate increase to HCBS providers, including the assistive community care rates and children integrated services rates, and the following appropriations in distinct one-time departmental IDs:

(1) \$25,000,000 is appropriated for the retention and recruitment grant program for HCBS providers as specified in Sec. 72 of this act.

(2) \$3,447,500 is appropriated to the Agency of Human Services – Secretary’s Office.

(3) \$2,370,000 is appropriated to the Department of Disabilities, Aging, and Independent Living.

(4) \$6,171,000 is appropriated to the Department of Mental Health.

(5) \$390,000 is appropriated to the Department of Vermont Health Access.

(6) \$4,942,586 is appropriated to the Department of Health.

(d) The Global Commitment Fund appropriated in subsection (c) of this section may be obligated in fiscal year 2022 for the purposes of bringing HCBS plan spending authority forward into fiscal year 2023. The funds appropriated in subsections (b) and (c) of this section may be transferred on a net-neutral basis in fiscal year 2022 in the same manner as the Global Commitment appropriations referenced in 2021 Acts and Resolves No. 74, Sec. E.301.2. The Agency shall report to the Joint Fiscal Committee in

September 2022 on transfers of appropriations made and final amounts expended by each department in fiscal year 2022 and any obligated funds carried forward to be expended in fiscal year 2023.

Which was agreed to.

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

Senator Collamore 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 Hinsdale, Sears, Sirotkin, Starr, Terenzini, Westman, White.

Those Senators who voted in the negative were: None.

Committee Relieved of Further Consideration; Bill Committed

H. 367.

On motion of Senator White, the Committee on Government Operations was relieved of further consideration of House bill entitled:

An act relating to the management of perpetual care funds by cemetery associations,

and the bill was committed to the Committee on Finance.

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 9, 2022.