

# House Calendar

Friday, April 21, 2023

108th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

## TABLE OF CONTENTS

Page No.

### ACTION CALENDAR

#### Third Reading

- S. 5** An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization.....2041  
Rep. Beck Amendment ..... 2041
- S. 37** An act relating to access to legally protected health care activity and regulation of health care providers.....2041

#### Favorable with Amendment

- H. 504** Approval of amendments to the charter of the Town of Berlin  
Rep. Morgan for Government Operations and Military Affairs ..... 2042  
Rep. Branagan for Ways and Means .....2042
- H. 505** Approval of an amendment to the charter of the City of Rutland  
Rep. Waters Evans for Government Operations and Military Affairs .. 2042  
Rep. Branagan for Ways and Means .....2042
- S. 36** An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities  
Rep. Burditt for Judiciary ..... 2043
- S. 48** An act relating to regulating the sale of catalytic converters  
Rep. White for Commerce and Economic Development ..... 2047
- S. 56** An act relating to child care and early childhood education  
Rep. Brumsted for Human Services ..... 2051
- S. 73** An act relating to workers' compensation coverage for firefighters with cancer  
Rep. Sammis for Commerce and Economic Development ..... 2068

**Action Postponed Until April 26, 2023**

**Senate Proposal of Amendment**

**H. 53** Driver’s license suspensions  
Senate Proposal of Amendment ..... 2071

**NOTICE CALENDAR**

**Senate Proposal of Amendment**

**H. 89** Civil and criminal procedures concerning legally protected health care activity  
Senate Proposal of Amendment ..... 2071

**CONSENT CALENDAR**

**H.C.R. 92** In memory of Vergennes Fire Chief James M. Breur..... 2073  
**H.C.R. 93** Recognizing April 2023 as Donate Life Awareness Month in Vermont..... 2073  
**H.C.R. 94** Congratulating the National Wild Turkey Federation on its 50th anniversary..... 2074  
**H.C.R. 95** Congratulating the 2022 Green Mountain Council Class of Eagle Scouts and the recipient of the Summit Award..... 2074  
**H.C.R. 96** Congratulating The Wilson House on its 35th anniversary..... 2074  
**H.C.R. 97** Honoring Boy Scout Troop 1 in Barre on becoming the official descendant of America’s first Boy Scout troop..... 2074  
**H.C.R. 98** Congratulating the 2023 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching..... 2074  
**H.C.R. 99** Recognizing July 2023 as Self-Care Awareness Month in Vermont ..... 2074

---

---

**ORDERS OF THE DAY**

---

---

**ACTION CALENDAR**

**Third Reading**

**S. 5**

An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization

**Amendment to be offered by Rep. Beck of St. Johnsbury to S. 5**

First: In Sec. 6, Public Utility Commission implementation, in subsection (f), in subdivision (1), by striking out “January 15, 2025” and inserting in lieu thereof “September 15, 2024”

Second: In Sec. 6, Public Utility Commission implementation, by striking out subsection (i) in its entirety and inserting in lieu thereof a new subsection (i) to read as follows:

(i) Check-back report. On or before February 15, 2024, the Commission shall submit a written report to and be available to provide oral testimony to the House Committee on Environment and Energy and the Senate Committees on Finance and on Natural Resources and Energy detailing the efforts undertaken to establish the Clean Heat Standard. The report shall include, to the extent available, estimates of the impact of the Clean Heat Standard on customers, including impacts to customer rates and fuel bills for participating and nonparticipating customers, net impacts on total spending on energy for thermal sector end uses, fossil fuel reductions, greenhouse gas emission reductions, and, if possible, impacts on economic activity and employment. The modeled impacts shall estimate high-, medium-, and low-price impacts. The report shall recommend any legislative action needed to address enforcement or other aspects of the Clean Heat Standard, including how to ensure fuel use that occurs outside the thermal sector is not impacted under the program.

Third: In Sec. 3, 30 V.S.A. chapter 94, in section 8127, by striking subsection (e) in its entirety and relettering the remaining subsections to be alphabetically correct.

**S. 37**

An act relating to access to legally protected health care activity and regulation of health care providers

## Favorable with Amendment

### H. 504

An act relating to approval of amendments to the charter of the Town of Berlin

**Rep. Morgan of Milton**, for the Committee on Government Operations and Military Affairs, recommends the bill be amended as follows:

In Sec. 2, 24 App. V.S.A. chapter 105 (Town of Berlin), in section 73, in subsection (c), following the words “value of personal property or inventory” by striking out the word “taxation”

**(Committee Vote: 12-0-0)**

**Rep. Branagan of Georgia**, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

**(Committee Vote: 11-1-0)**

### H. 505

An act relating to approval of an amendment to the charter of the City of Rutland

**Rep. Waters Evans of Charlotte**, for the Committee on Government Operations and Military Affairs, recommends the bill be amended as follows:

In Sec. 2, 24 App. V.S.A. chapter 9 (City of Rutland), in section 8.9, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) Revenues received through a tax imposed under this section shall be used for any of the following:

(1) deposit in any capital improvement reserve fund established in accordance with 24 V.S.A. § 2804;

(2) reducing the deficit in any underfunded pension; or

(3) financing the construction, reconstruction, or repair of City buildings, streets, sidewalks, or other infrastructure.

**(Committee Vote: 12-0-0)**

**Rep. Branagan of Georgia**, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

**(Committee Vote: 12-0-0)**

**S. 36**

An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities

**Rep. Burditt of West Rutland**, for the Committee on Judiciary, recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Rule 3 of the Vermont Rules of Criminal Procedure is amended to read:

Rule 3. Arrest Without a Warrant; Citation to Appear

\* \* \*

(c) Nonwitnessed Misdemeanor Offenses. If an officer has probable cause to believe a person has committed or is committing a misdemeanor outside the presence of the officer, the officer may issue a citation to appear before a judicial officer in lieu of arrest. The officer may arrest the person without a warrant if the officer has probable cause to believe:

\* \* \*

(8) The person has committed a misdemeanor which involves an assault against a family member, or against a household member, as defined in 15 V.S.A. § 1101(2), or a child of such a family or household member.

\* \* \*

(14) The person has violated 13 V.S.A. § 1023 (simple assault).

\* \* \*

(18) The person has committed a misdemeanor that involves an assault against:

(A) a health care worker in a hospital as those terms are defined in 13 V.S.A. § 1028(d)(3) and 18 V.S.A. § 1902(1); or

(B) a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).

(19) The person has violated 13 V.S.A. § 1702 (criminal threatening) against:

(A) a health care worker in a hospital as those terms are defined in 13 V.S.A. § 1028(d)(3) and 18 V.S.A. § 1902(1); or

(B) a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).

(20) The person has committed a violation of 13 V.S.A. § 1026(a)(1) (disorderly conduct for engaging in fighting or in violent or threatening behavior) that interfered with the provision of medically necessary health care services:

(A) in a hospital as defined in 18 V.S.A. § 1902(1); or

(B) by a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).

\* \* \*

Sec. 2. 13 V.S.A. § 1702 is amended to read:

§ 1702. CRIMINAL THREATENING

(a) A person shall not by words or conduct knowingly:

(1) threaten another person or a group of particular persons; and

(2) as a result of the threat, place the other person in reasonable apprehension of death, serious bodily injury, or sexual assault to the other person, a person in the group of particular persons, or any other person.

(b) A person who violates subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

\* \* \*

(f) A person who violates subsection (a) of this section with the intent to terrify, intimidate, or unlawfully influence the conduct of a candidate for public office, a public servant, an election official, or a public employee in any decision, opinion, recommendation, vote, or other exercise of discretion taken in capacity as a candidate for public office, a public servant, an election official, or a public employee, or with the intent to retaliate against a candidate for public office, a public servant, an election official, or a public employee for any previous action taken in capacity as a candidate for public office, a public servant, an election official, or a public employee, shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(g) A person who violates subsection (a) of this section with the intent to terrify or intimidate a health care worker or an emergency medical personnel member because of the worker's or member's action or inaction taken in the provision of health care services shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(h) As used in this section:

(1) “Serious bodily injury” has the same meaning as in section 1021 of this title.

(2) “Threat” and “threaten” do not include constitutionally protected activity.

(3) “Candidate” has the same meaning as in 17 V.S.A. § 2103.

(4) “Election official” has the same meaning as in 17 V.S.A. § 2455.

(5) “Public employee” means a classified employee within the Legislative, Executive, or Judicial Branch of the State and any of its political subdivisions and any employee within a county or local government and any of the county’s or local government’s political subdivisions.

(6) “Public servant” has the same meaning as in 17 V.S.A. § 2103.

(7) “Polling place” has the same meaning as described in 17 V.S.A. chapter 51, subchapter 4.

(8) “Sexual assault” has the same meaning as sexual assault as described in section 3252 of this title.

(9) “Emergency medical personnel” has the same meaning as in 24 V.S.A. § 2651(6).

~~(h)~~(i) Any person charged under this section who is younger than the age identified in 33 V.S.A. § 5201(d) shall be subject to a juvenile proceeding.

(10) “Health care services” means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(11) “Health care worker” has the same meaning as in section 1028 of this title.

Sec. 3. 18 V.S.A. § 1883 is added to read:

§ 1883. DISCLOSURE OF PROTECTED HEALTH INFORMATION

REQUIRED

(a) When a law enforcement officer responds to an alleged crime committed by a patient at a hospital:

(1) an authorized representative of the hospital shall disclose to the law enforcement officer the following information before the officer removes the patient from the hospital:

(A) information that is sufficient to confirm whether the patient is stabilized, has been evaluated, or is awaiting inpatient care; and

(B) any other information that will be necessary for purposes of safely taking custody of the patient; and

(2) the law enforcement officer shall not remove the patient from the hospital if an authorized representative of the hospital informs the officer that the patient is not stabilized, has not yet been evaluated, or is awaiting inpatient care.

(b) When a law enforcement officer responds to an alleged crime committed by a patient at a scene where emergency medical treatment was or is being provided:

(1) a member of the emergency medical personnel who provided the treatment shall disclose to the law enforcement officer the following information before the officer removes the patient from the emergency medical treatment scene:

(A) information that is sufficient to confirm whether the patient is stabilized, has been evaluated, or is awaiting transport for health care; and

(B) any other information that will be necessary for purposes of safely taking custody of the patient; and

(2) the law enforcement officer shall not remove the patient from the emergency medical treatment scene if a member of the emergency medical personnel who provided the treatment informs the officer that the patient is not stabilized, has not yet been evaluated, or is awaiting transport for health care.

(c) As used in this section:

(1) “Emergency medical personnel” has the same meaning as in 24 V.S.A. § 2651(6).

(2) “Emergency medical treatment” has the same meaning as in 24 V.S.A. § 2651(9).

(3) “Hospital” has the same meaning as in subdivision 1902(1) of this title.

(4) “Stabilized” means that no material deterioration of the patient’s medical condition is likely, within reasonable medical probability, to result from or occur during the transport of the patient from the hospital or the emergency medical treatment scene.

#### Sec. 4. REPORT ON DE-ESCALATION

On or before January 15, 2024, the Vermont Program for Quality in Health Care, in consultation with stakeholders, including hospital employee stakeholders, shall provide a report to the Senate Committee on Health and



Welfare and the House Committee on Health Care regarding adequate training, including de-escalation of potentially violent situations in hospitals, sufficient staffing levels, ongoing assessment of visitors and patients for aggressive behavior, indicators to adapt care interventions and environments appropriately, centralized reporting, and factors related to physical environments. With a health equity impact informed lens, the report shall include best practices, barriers to best practices, and recommendations for appropriate policy improvements.

Sec. 5. DEPARTMENT OF PUBLIC SAFETY REPORT ON ARRESTS  
WITHOUT WARRANT

On or before January 15, 2024, the Department of Public Safety shall report to the House and Senate Committees on Judiciary on any systemic or statutory changes needed to permit the Department to collect data on responses and arrests pursuant to Vermont Rules of Criminal Procedure 3(c)(18), (19), and (20). The report shall include changes necessary to collect data on the number and demographics of persons arrested; the town, county, and type of health care facility where the arrest occurred; and the number and types of charges filed after the arrest.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to crimes against health care workers at hospitals and against emergency medical treatment providers”

**(Committee vote: 10-0-1)**

**S. 48**

An act relating to regulating the sale of catalytic converters

**Rep. White of Bethel**, for the Committee on Commerce and Economic Development, recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. chapter 82 is amended to read:

CHAPTER 82. SCRAP METAL PROCESSORS

\* \* \*

§ 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES,  
PROPRIETARY ARTICLES, AND RAILROAD SCRAP

(a) Catalytic converters.

(1) A scrap metal processor shall not purchase more than one used and detached catalytic converter per day from any person, other than a motor vehicle recycler or motor vehicle repair shop.

(2) A person, other than a motor vehicle recycler or motor vehicle repair shop, shall not transport simultaneously two or more used and detached catalytic converters unless:

(A) each catalytic converter is engraved or otherwise permanently marked with the vehicle identification number of the vehicle from which it was removed; and

(B) the person transporting the catalytic converter has in the person's possession documentation demonstrating proof of lawful ownership as specified in subdivision (b)(1) of this section.

(b) Documentation required for sale. A scrap metal processor may purchase nonferrous scrap, metal articles, proprietary articles, and railroad scrap only if the scrap metal processor complies with all the following procedures:

(1) At the time of sale, the processor:

(A) requires the seller to provide a current government-issued photographic identification that indicates the seller's full name, current address, and date of birth, and records in a permanent ledger the identification information of the seller, the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller; and

(B) requests and, ~~if available,~~ collects:

~~(i) third-party documentation from the seller of the items offered for sale, that establishes that the seller lawfully owns the items to be sold, such as a bill of sale, itemized receipt, or letter of authorization, signed by the person from whom the seller purchased the item; or similar evidence~~

~~(ii) a written affidavit of ownership that establishes states that the seller lawfully owns the items to be sold.~~

(2) After purchasing an item from a person who ~~fails to~~ does not provide ~~documentation~~ a bill of sale, itemized receipt, or letter of authorization signed by the person from whom the seller purchased the item pursuant to subdivision (1)(B)(i) of this subsection, the processor:

(A) submits to the Department of Public Safety ~~no~~ not later than the close of the following business day a report that describes the item and the seller's identifying information required in subdivision (1)(A) of this subsection; and

(B) holds the item for at least 10 days following purchase.

(c) Retention of records. The information collected by a scrap metal processor pursuant to this section shall be retained for at least five years at the processor's normal place of business or other readily accessible and secure location. On request, this information shall be made available to any law enforcement official or authorized security agent of a governmental entity who provides official credentials at the scrap metal processor's business location during regular business hours.

#### § 3023. PENALTIES

(a) A ~~scrap metal processor~~ person who violates any provision of this chapter for the first time may be assessed a civil penalty not to exceed \$1,000.00 for each transaction.

(b) A ~~scrap metal processor~~ person who violates any provision of this chapter for a second or subsequent time shall be fined not more than \$25,000.00 for each transaction.

Sec. 2. 24 V.S.A. § 2242 is amended to read:

#### § 2242. REQUIREMENT FOR OPERATION OR MAINTENANCE

(a) A person shall not operate, establish, or maintain a salvage yard unless ~~he or she~~ the person:

(1) holds a certificate of approval for the location of the salvage yard; and

(2) holds a certificate of registration issued by the Secretary to operate, establish, or maintain a salvage yard.

(b) The issuance of a certificate of registration under subsection (a) of this section shall not relieve a salvage yard from the obligation to comply with existing State and federal environmental laws and to obtain all permits required under State or federal environmental law.

(c) The Secretary may require a person to obtain a salvage yard certificate of registration under this section upon a determination, based on available information, that the person has taken action to circumvent the requirements of this subchapter.

(d) Prior to issuing a certificate of registration, the Secretary shall obtain written acknowledgment that the person seeking the certificate is aware of, and will comply with, the requirements for buying, selling, transporting, and keeping records concerning nonferrous scrap, metal articles, proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82.

Sec. 3. 24 V.S.A. § 2244 is added to read:

§ 2244. PERIODIC INSPECTIONS

(a) The Secretary shall conduct an unannounced inspection of the physical operation, record-keeping practices, and regulatory compliance practices of salvage yards to ensure compliance with applicable provisions of this subchapter.

(b) As part of the inspection program, the Secretary shall annually inspect at least one facility to ensure compliance with 9 V.S.A. chapter 82.

Sec. 4. ADOPTION OF FORMS; PUBLIC OUTREACH

(a) The Department of Public Safety shall adopt and make available on its public website sample forms for an affidavit or other proof of ownership, for collection and retention of records, and for other record-keeping purposes that persons may use to comply with the requirements for buying, selling, transporting, and keeping records concerning nonferrous scrap, metal articles, proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82.

(b) The Department of Public Safety and the Agency of Natural Resources shall coordinate to design and implement a public outreach campaign to educate sellers of scrap metal and proprietary articles, including catalytic converters; scrap metal processors; and law enforcement on the requirements for buying, selling, transporting, and keeping records concerning nonferrous scrap, metal articles, proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82 and other relevant provisions of law.

Sec. 5. 20 V.S.A. § 2355 is amended to read:

§ 2355. COUNCIL POWERS AND DUTIES

\* \* \*

(b)(1) The Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The Council shall offer courses of instruction for law enforcement officers in different areas of the State and shall strive to offer nonovernight courses whenever possible.

(2) The Council may also offer the basic officer's course for preservice students and educational outreach courses for the public, including firearms safety and use of force.

(3) Following the conclusion of each session of the General Assembly, the Council shall prepare and make available to law enforcement agencies throughout the State and constables exercising law enforcement authority pursuant to 24 V.S.A. § 1936 materials or training concerning new or amended State law that affects law enforcement activities, including changes to civil, criminal, and administrative violations, procedures, penalties, and enforcement.

\* \* \*

#### Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

**(Committee vote: 11-0-0)**

#### S. 56

An act relating to child care and early childhood education

**Rep. Brumsted of Shelburne**, for the Committee on Human Services, recommends that the House propose to the Senate that the bill be amended 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 that investments in and policy changes to Vermont's child care and early learning system shall:

(1) increase access to and the quality of child care services and afterschool and summer care programs throughout the State;

(2) increase equitable access to and quality of prekindergarten education for children four years of age;

(3) provide financial stability to child care programs;

(4) stabilize Vermont's talented child care workforce;

(5) address the workforce needs of the State's employers;

(6) maintain a mixed-delivery system for prekindergarten, child care, and afterschool and summer care; and

(7) assign school districts with the responsibility of ensuring equitable prekindergarten access for children who are four years of age on the date by which the child's school district requires kindergarten students to have attained five years of age or who are five years of age and not yet enrolled in kindergarten.

\* \* \* Prekindergarten \* \* \*

## Sec. 2. PREKINDERGARTEN EDUCATION IMPLEMENTATION

### COMMITTEE; PLAN

(a) Creation. There is created the Prekindergarten Education Implementation Committee to assist the Agency of Education in improving and expanding accessible, affordable, and high-quality prekindergarten education for children on a full-day basis on or before July 1, 2026. The prekindergarten program under consideration would require a school district to provide prekindergarten education to all children within the district in either a public school or by contract with private providers, or both. As used in this section, "child" or "children" means a child or children who are four years of age on the date by which the child's school district requires kindergarten students to have attained five years of age or who are five years of age and not yet enrolled in kindergarten, unless otherwise specified.

(b)(1) Membership. The Committee shall be composed of the following members:

(A) the Secretary of Education or designee, who shall serve as co-chair;

(B) the Secretary of Human Services or designee, who shall serve as co-chair;

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

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

(E) the Executive Director of the Vermont School Board Association or designee;

(F) the Executive Director of the Vermont National Education Association or designee;

(G) the Chair of the Vermont Council of Special Education Administrators or designee;

(H) the Executive Director of the Vermont Curriculum Leaders Association or designee;

(I) the Executive Director of Building Bright Futures or designee;

(J) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, operating a licensed center-based child care and preschool program, appointed by the Speaker of the House;

(K) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, providing prekindergarten education at a regulated family child care home, appointed by the Committee on Committees;

(L) the Head Start Collaboration Office Director or designee;

(M) the Executive Officer of Let's Grow Kids or designee;

(N) a representative, appointed by Vermont Afterschool, Inc.; and

(O) two family representatives, one with a child three years of age or younger when the Committee initially convenes and the second with a prekindergarten-age child when the Committee initially convenes, appointed by the Building Bright Futures Council.

(2) The Committee shall consult with any stakeholder necessary to accomplish the purposes of this section, including stakeholders with perspectives specific to diversity, equity, and inclusion.

(c) Powers and duties. The Committee shall examine the delivery of prekindergarten education in Vermont and make recommendations to expand access for children through the public school system or private providers under contract with the school district, or both. The Committee shall examine and make recommendations on the changes necessary to provide prekindergarten education to all children by or through the public school system on or before July 1, 2026, including transitioning children who are three years of age from the 10-hour prekindergarten benefit to child care and early education. The Committee's recommendation shall consider the needs of both the State and local education agencies.

(d) Assistance. The Committee shall have the administrative, technical, fiscal, and legal assistance of the Agencies of Education and of Human Services. If the Agencies are unable to provide the Committee with adequate support to assist with its administrative, technical, fiscal, or legal needs, then the Agency of Education shall retain a contractor with the necessary expertise to assist the Committee.

(e) Report. On or before December 1, 2024, the Committee shall submit a written report to the House Committees on Education and on Human Services

and the Senate Committees on Education and on Health and Welfare with its implementation plan based on the analysis conducted pursuant to subsection (c) of this section. The report shall include draft legislative language to support the Committee's plan.

(f) Meetings.

(1) The Secretary of Education or designee shall call the first meeting of the Committee to occur on or before July 15, 2023.

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

(3) The Committee shall cease to exist on February 1, 2025.

(g) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than 18 meetings. These payments shall be made from monies appropriated to the Agency of Education.

(h) Appropriations.

(1) The sum of \$7,500.00 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for per diem compensation and reimbursement of expenses for members of the Committee.

(2) The sum of \$100,000.00 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for the cost of retaining a contractor as provided under subsection (d) of this section.

(3) Any unused portion of these appropriations shall, as of July 1, 2025, revert to the General Fund.

Sec. 3. 16 V.S.A. § 4010 is amended to read:

§ 4010. DETERMINATION OF WEIGHTED LONG-TERM MEMBERSHIP  
AND PER PUPIL EDUCATION SPENDING

\* \* \*

(d) Determination of weighted long-term membership. For each weighting category except the small schools weighting category under subdivision (b)(3) of this section, the Secretary shall compute the weighting count by using the long-term membership, as defined in subdivision 4001(7) of this title, in that category.



(1) The Secretary shall first apply grade level weights. Each pupil included in long-term membership from subsection (b) of this section shall count as one, multiplied by the following amounts:

(A) ~~prekindergarten—negative 0.54; [Repealed.]~~

(B) grades six through eight—0.36; and

(C) grades nine through 12—0.39.

\* \* \*

\* \* \* Agency of Education \* \* \*

#### Sec. 4. PLAN; AGENCY OF EDUCATION LEADERSHIP

On or before November 1, 2025, the Agency of Education shall submit a plan to the House Committees on Education and on Human Services and to the Senate Committees on Education and on Health and Welfare to implement a second deputy secretary or commissioner position within the Agency of Education for the purpose of elevating the status of early education and special education within the Agency in accordance with the report produced pursuant to 2021 Acts and Resolves No, 45, Sec. 13. The plan shall achieve greater parity in decision-making authority, roles and responsibilities, and reporting structure related to early care and learning across the Agency and Department for Children and Families.

\* \* \* Child Care and Child Care Subsidies \* \* \*

Sec. 5. 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 and the corresponding family contribution shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The Commissioner may adjust the subsidy and family contribution by rule to account for increasing child care costs not to exceed 1.5 times the most recent annual increase in the NAICS code 611, Educational Services. 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~~ 550 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.

(3) Earnings deposited in a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be disregarded in determining the amount of a family's income for the purpose of determining continuing eligibility.

(4) ~~After September 30, 2021,~~ a A regulated center-based child care program or family child care home as defined by the Department in rule shall not receive funds pursuant to this subsection that are in excess of the usual and customary rate for services at the center-based child care program or family child care home.

\* \* \*

Sec. 5a. 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.

\* \* \*

(5) The Department shall ensure that applications for the Child Care Financial Assistance Program use a simple, plain-language format. Applications shall be available in both electronic and paper formats and shall comply with the Office of Racial Equity's most recent Language Access Report.

(6) A Vermont resident who has a citizenship status that would otherwise exclude the resident from participating in the Child Care Financial Assistance Program shall be served under this Program, provided that the benefit for these residents is solely State-funded. The Department shall not retain data on the citizenship status of any applicant or participant once a child is no longer participating in the program, and it shall not request the citizenship status of any members of the applicant's or participant's family. Any records created pursuant to this subsection shall be exempt from public inspection and copying under the Public Records Act.

\* \* \*

#### Sec. 5b. FISCAL YEAR 2024; FAMILY CONTRIBUTION

In fiscal year 2024, a weekly family contribution for participants in the Child Care Financial Assistance Program established in 33 V.S.A. §§ 3512 and 3513 shall begin at \$27.00 for families at 151 percent of the federal poverty level and increase progressively for families at a higher percentage of the federal poverty level as determined by the Department.

#### Sec. 6. PROVIDER RATE ADJUSTMENT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) It is the intent of the General Assembly that the provider rate adjustment established in this section shall be utilized to begin implementing the recommendations for a professional pay scale as examined in Sec. 15 of this act.

(b)(1) On January 1, 2024, the Department for Children and Families shall provide an adjustment to the base child care provider reimbursement rates in the Child Care Financial Assistance Program for child care services provided by center-based child care and preschool programs, family child care homes, and afterschool and summer care programs. The adjusted reimbursement rate shall account for the age of the children served and be 38.5 percent higher than the fiscal year 2023 five-STAR reimbursement rate in the Vermont STARS system. The adjusted reimbursement rate shall then be adjusted to account for the differential between family child care homes and center-based child care and preschool programs by 50 percent. All providers in the same child care setting category shall receive an identical reimbursement rate payment, which shall be dependent upon whether the provider operates a regulated child care center and preschool program, regulated family child care home, or afterschool or summer care program.

(2) The provider rate adjustment established in this section shall become part of the base budget in future fiscal years.

Sec. 7. APPROPRIATION; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) In addition to fiscal year 2024 funds appropriated for the Child Care Financial Assistance Program in other acts, in fiscal year 2024, \$48,699,264.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for:

- (1) the program eligibility expansion in Sec. 5 of this act; and
- (2) the fiscal year 2024 provider rate adjustment in Sec. 6 of this act.

(b)(1) In addition to fiscal year 2024 funds appropriated for the administration of the Department for Children and Families' Child Development Division in other acts, in fiscal year 2024, \$4,000,000.00 is appropriated from the General Fund to the Division to administer adjustments to the Child Care Financial Assistance Program required by this act through the authorization of the following six new permanent classified positions within the Division:

- (A) business applications support manager;
- (B) licensing field specialist;
- (C) child care business technician;
- (D) administrative service coordinator II;
- (E) program integrity investigator; and
- (F) grants and contracts manager—compliance.

(2) The Division shall allocate at least \$2,000,000.00 of the amount appropriated in this subsection to the Community Child Care Support Agencies.

Sec. 8. READINESS PAYMENTS; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a)(1) In fiscal year 2024, \$18,873,235.00 is appropriated one time from the General Fund to the Department for Children and Families' Child Development Division for the purpose of providing payments to child care providers, as defined in 33 V.S.A. § 3511, delivering child care services to children, in preparation of the Child Care Financial Assistance Program eligibility expansion in Sec. 5 of this act and for the fiscal year 2024 provider rate adjustment in Sec. 6 of this act. Readiness payments may be used for the following:

- (A) increasing capacity for infants and toddlers;

(B) expanding the number of family child care homes;

(C) improving child care facilities;

(D) preparing private prequalified providers for future changes in the prekindergarten system;

(E) expanding hours of operation to provide full-day, full-week child care services;

(F) increasing workforce capacity, including signing and retention bonuses; and

(G) any other uses approved by the Commissioner.

(2) Of the funds appropriated in subdivision (1) of this subsection, up to five percent may be used to contract with a third party to provide technical assistance to child care providers to build or maintain capacity and to provide information on the opportunities and requirements of this act.

(b) In administering the readiness payment program established by this section, the Division may either use the same distribution framework used to distribute Child Care Development Block Grant funds in accordance with the American Rescue Plan Act of 2021 or it may utilize an alternative distribution framework.

(c) The Commissioner shall provide a status report on the distribution of readiness payments to the Joint Fiscal Committee at its November 2023 meeting.

Sec. 9. 33 V.S.A. § 3514 is amended to read:

#### § 3514. PAYMENT TO PROVIDERS

(a)(1) The Commissioner shall establish a payment schedule for purposes of reimbursing providers for full- or part-time child care services rendered to families who participate in the programs established under section 3512 or 3513 of this title. ~~Payments established under this section shall reflect the following considerations: whether the provider operates a licensed child care facility or a registered family child care home, type of service provided, cost of providing the service, and the prevailing market rate for comparable service.~~

The payment schedule shall account for the age of the children served, and all providers in the same child care setting category shall receive a reimbursement rate payment, which shall be dependent upon whether the provider operates a child care center and preschool program, family child care home, or afterschool or summer care program. The rate used to reimburse providers

shall be increased over the previous year's rate annually in alignment with the most recent annual average wage growth for NAICS code 611, Educational Services, not to exceed five percent.

(2) Payments shall be based on enrollment status or any other basis agreed to by the provider and the Division. The Department, in consultation with the Office of Racial Equity and stakeholders, shall adopt rules pursuant to 3 V.S.A. chapter 25 that define "enrollment" and the total number of allowable absences to continue participating in the Child Care Financial Assistance Program. The Department shall minimize itemization of absence categories.

(b) The Commissioner may establish a separate payment schedule for child care providers who have received specialized training, approved by the Commissioner, relating to protective or family support services.

~~(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. [Repealed.]~~

Sec. 10. 33 V.S.A. § 3515 is added to read:

§ 3515. CHILD CARE QUALITY AND CAPACITY INCENTIVE PROGRAM

(a) The Commissioner shall establish a child care quality and capacity incentive program for child care providers participating in the Child Care Financial Assistance Program pursuant to 33 V.S.A. §§ 3512 and 3513. Annually, consistent with funds appropriated for this purpose, the Commissioner may provide a child care provider with an incentive payment for the following achievements:

(1) achieving a higher level in the quality rating and improvement system, including increasing access to and provision of culturally competent care and multilingual programming and providing other family support services similar to those provided in approved Head Start programs;

(2) increasing infant and toddler capacity;

(3) maintaining existing infant and toddler capacity;

(4) establishing capacity in regions of the State that are identified by the Commissioner as underserved;

(5) providing nonstandard hours of child care services;

(6) completing a Commissioner-approved training on protective or family support services; and

(7) other quality- or capacity-specific criteria identified by the Commissioner.

(b) The Commissioner shall maintain a current incentive payment schedule on the Department's website.

Sec. 10a. LEGISLATIVE INTENT; CHILD CARE QUALITY AND  
CAPACITY INCENTIVE PROGRAM

It is the intent of the General Assembly that in fiscal year 2025 and in future fiscal years, at least \$10,000,000.00 is appropriated for the child care quality and capacity incentive program established in 33 V.S.A. § 3515.

Sec. 11. 33 V.S.A. § 3516 is added to read:

§ 3516. CHILD CARE WAITLIST AND APPLICATION FEES

A child care provider shall not charge an application or waitlist fee for child care services where the applying child qualifies for the Child Care Financial Assistance Program pursuant to section 3512 or 3513 of this title. A child care provider shall reimburse an individual who is charged an application or waitlist fee for child care services if it is later determined that the applying child qualified for the Child Care Financial Assistance Program at the time the fee or fees were paid.

Sec. 12. 33 V.S.A. § 3517 is added to read:

§ 3517. CHILD CARE TUITION RATES

A child care provider shall not impose an increase on annual child care tuition that exceeds 1.5 times the most recent annual increase in the NAICS code 611, Educational Services. This amount shall be posted on the Department's website annually.

Sec. 12a. 33 V.S.A. § 3518 is added to read:

§ 3518. DIVERSITY, EQUITY, AND INCLUSION

The Department shall consult with the Office of Racial Equity in preparing all public materials and trainings related to the Child Care Financial Assistance Program.

Sec. 13. RULEMAKING; CHILD CARE DIRECTORS

(a) The Department for Children and Families shall amend the following rules pursuant to 3 V.S.A. chapter 25 to require that a child care director is present at the child care facility that the director operates at least 40 percent of the time that children are present:

(1) Department for Children and Families, Licensing Regulations for Afterschool and Child Care Programs (CVR 13-171-003); and

(2) Department for Children and Families, Licensing Regulations for Center-Based Child Care and Preschool Programs (CVR 13-171-004).

(b) The Department shall consider amending its rule prohibiting a person or entity registered or licensed to operate a family child care home from concurrently operating a center-based child care and preschool program or afterschool and summer care program.

\* \* \* Reports \* \* \*

#### Sec. 14. REPORT; BACKGROUND CHECKS

On or before January 15, 2024, the Vermont Crime Information Center, in collaboration with the Agency of Education and the Department for Children and Families, shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare providing a recommendation to streamline and improve the timeliness of the background check process for child care and early education providers who are required to complete two separate background checks.

#### Sec. 15. PROVIDER COMPENSATION; ESTIMATE AND ANALYSIS

(a) On or before November 1, 2024, the Joint Fiscal Office, in consultation with the Department for Children and Families and the Vermont Association for the Education of Young Children, shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare containing a fiscal estimate of the cost of implementing a professional tiered system of compensation for the child care workforce using total costs of care estimates.

(b) On or before November 1, 2024, the Office of Legislative Counsel shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare concerning the extent to which the State is authorized to impose a compensation scale on private child care providers for professionals providing child care services.

\* \* \* Special Accommodations Grant \* \* \*

#### Sec. 16. PLAN; SPECIAL ACCOMMODATIONS GRANT



On or before July 1, 2024, the Department for Children and Families' Child Development Division, in consultation with stakeholders, shall develop and submit an implementation plan to the House Committee on Human Services and to the Senate Committee on Health and Welfare to streamline and improve the responsiveness and effectiveness of the application process for special accommodation grants, including:

(1) implementing a 12-month or longer grant cycle option for eligible populations;

(2) improving support and training for providing inclusive care for children with special needs;

(3) determining how to better meet the early learning needs of children with disabilities within a child care setting; and

(4) any other considerations the Department deems essential to the goal of streamlining the application process for special accommodation grants.

\* \* \* Afterschool and Summer Care Grant Program \* \* \*

Sec. 17. 33 V.S.A. chapter 38 is added to read:

CHAPTER 38. AFTERSCHOOL AND SUMMER CARE GRANT PROGRAM

§ 3801. AFTERSCHOOL AND SUMMER CARE GRANT PROGRAM

(a) There is created the Afterschool and Summer Care Grant Program for the purpose of providing grants for child and youth programming operated in public or private settings outside of the school day and over the summer, including before and after school, teacher in-service days, and school vacation weeks. Grants may be used by an afterschool and summer care operator for technical assistance, program implementation, program expansion, program sustainability, and related costs.

(b) In selecting from among eligible grant applicants, the Agency of Education and the Department for Children and Families shall prioritize applications that serve children and youth in underserved communities.

(c)(1) The Agency and Department shall jointly adopt policies, procedures, and guidelines necessary for the implementation of the Program established pursuant to this section.

(2) The Agency and Department may jointly contract for the administration of the Program. Administrative costs and technical assistance related to the Afterschool and Summer Care Grant Program shall not exceed \$500,000.00 annually.

§ 3802. AFTERSCHOOL AND SUMMER CARE SPECIAL FUND

(a) There is established a special fund to be known as the Afterschool and Summer Care Special Fund, which shall be used for the purpose of funding the Afterschool and Summer Care Grant Program established pursuant to section 3801 of this title.

(b) The Fund shall be established and held separate and apart from any other funds or monies of the State and shall be used and administered exclusively for the purpose of this section. The money in the Fund shall be invested in the same manner as permitted for the investment of funds belonging to the State or held in the Treasury. The Fund shall consist of any combination of the following:

(1) cannabis sales tax revenue pursuant to 32 V.S.A. § 7910;

(2) such sums as may be appropriated or transferred thereto from time to time by the General Assembly, the State Emergency Board, or the Joint Fiscal Committee during such times as the General Assembly is not in session;

(3) interest earned from the investment of Fund balances; and

(4) any other money from any other source accepted for the benefit of the Fund.

(c) The Fund shall be administered by the Afterschool and Summer Care Special Fund Advisory Committee established pursuant to section 3803 of this title.

(d) The Advisory Committee shall administer awards in such a way as to comply with the requirements of Section 108(f) of the Internal Revenue Code.

§ 3803. AFTERSCHOOL AND SUMMER CARE SPECIAL FUND

ADVISORY COMMITTEE

(a) There is created the Afterschool and Summer Care Special Fund Advisory Committee jointly managed by the Agency of Education and the Department for Children and Families to:

(1) provide recommendations to the Secretary of Education and the Commissioner for Children and Families regarding the Afterschool and Summer Care Grant Program established pursuant to section 3801 of this title; and

(2) administer the Afterschool and Summer Care Special Fund established pursuant to section 3802 of this title.

(b) The Advisory Committee shall comprise the following:

(1) the Chief Prevention Officer established in 3 V.S.A. § 2321, who shall serve as chair;

(2) the Commissioner of Mental Health or designee;

(3) the Commissioner of Health or designee;

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

(5) the Secretary of Education or designee;

(6) the executive director of Building Bright Futures or designee;

(7) a representative, appointed by Vermont Afterschool, Inc;

(8) a representative of a municipality that operates an afterschool or summer care program, appointed by the Vermont League of Cities and Towns; and

(9) two parents whose children participate in an afterschool or summer care program, appointed by Vermont Afterschool, Inc.

(c)(1) The Chief Prevention Officer shall call the first meeting of the Advisory Committee to occur on or before September 1, 2023.

(2) The Advisory Committee shall meet at such times as may reasonably be necessary to carry out its duties but at least once in each calendar quarter.

(3) The Agency of Education and Department for Children and Families shall provide technical, legal, and administrative assistance to the Advisory Committee.

(d) Notwithstanding 2 V.S.A. § 20(d), on or before November 15 of each year, the Advisory Committee shall submit a report containing a summary of its activities and any recommendations to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare. The report shall address outcomes data on grants awarded pursuant to section 3801 of this title during the previous year, including:

(1) the number of afterschool and summer care operators receiving a grant under section 3801 of this title;

(2) the number of children and youth served and hours of care provided by afterschool and summer care operators receiving a grant under section 3801 of this title;

(3) the geographic distribution of afterschool and summer care operators receiving a grant under section 3801 of this title; and

(4) the extent to which family costs are reduced for the care of children and youth served by afterschool and summer care operators receiving a grant under section 3801 of this title.

(e) For attendance at meetings, members of the Advisory Committee not otherwise paid for participating in the meetings shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010. These payments shall be made from the Afterschool and Summer Care Special Fund.

Sec. 18. 32 V.S.A. chapter 207 is amended to read:

CHAPTER 207. CANNABIS EXCISE TAX AND SALES TAX REVENUE

\* \* \*

§ 7910. CANNABIS SALES TAX REVENUE; AFTERSCHOOL AND SUMMER CARE PROGRAMMING

Notwithstanding 16 V.S.A. § 4025, revenue from the sales and use tax imposed by chapter 233 of this title on retail sales of cannabis or cannabis products in this State shall be deposited into the Afterschool and Summer Care Special Fund established pursuant to 33 V.S.A. § 3802.

\* \* \* Workforce Supports \* \* \*

Sec. 19. 2021 Acts and Resolves No. 45, Sec. 8 is amended to read:

Sec. 8. REPEALS

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

(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. [Repealed.]~~

\* \* \* Transitional Assistance and Governance \* \* \*

Sec. 20. CHILD CARE; ADMINISTRATIVE SERVICE ORGANIZATIONS

On or before February 15, 2024, the Department for Children and Families shall provide a presentation to the House Committee on Human Services and to the Senate Committee on Health and Welfare regarding the feasibility of and any progress towards establishing administrative service organizations for child care providers.

Sec. 21. 33 V.S.A. § 4605 is added to read:

§ 4605. TECHNICAL ASSISTANCE; ACCOUNTABILITY

In order to ensure the successful implementation of expanded child care, prekindergarten, and afterschool and summer care, Building Bright Futures shall be responsible for monitoring accountability, supporting stakeholders in collectively defining and measuring success, maximizing stakeholder engagement, and providing technical assistance to build capacity for the Department for Children and Families' Child Development Division and the Agency of Education. Specifically, Building Bright Futures shall:

(1) ensure accountability through monitoring transitions over time and submitting a report with the results of this work on January 15 of each year to the House Committee on Human Services and to the Senate Committee on Health and Welfare;

(2) define and measure success of expanded child care, prekindergarten, and afterschool and summer care related to process, implementation, and outcomes using a continuous quality improvement framework and engage public, private, legislative, and family partners to develop benchmarks pertaining to:

(A) equitable access to high-quality child care;

(B) equitable access to high-quality prekindergarten;

(C) equitable access to high-quality afterschool and summer care;

(D) stability of the early child care education workforce;

(E) workforce capacity and needs of the child care, prekindergarten, afterschool and summer care systems; and

(F) the impact of this act on a mixed-delivery system for prekindergarten, child care, and afterschool and summer care.

Sec. 21a. APPROPRIATION; BUILDING BRIGHT FUTURES

Of the funds appropriated in Sec. 7(b) (appropriation; child care financial assistance program) of this act, the Department for Children and Families shall allocate \$266,707.00 to Building Bright Futures for the purpose of implementing its duties under 33 V.S.A. § 4605. This amount shall become part of the Department's base for the purpose of supporting Building Bright Future's work pursuant to 33 V.S.A. § 4605.

Sec. 22. PLAN; DEPARTMENT FOR CHILDREN AND FAMILIES;  
GOVERNANCE

(a) On or before November 1, 2025, the Secretary of Human Services shall submit an implementation plan to the House Committees on Appropriations, on Government Operations and Military Affairs, and on Human Services and to the Senate Committees on Appropriations, on Government Operations, and on Health and Welfare regarding the reorganization of the Department for Children and Families to increase responsiveness to Vermonters and elevate the status of child care and early education within the Agency of Human Services. The implementation plan shall be consistent with the goals of the report produced pursuant to 2021 Acts and Resolves No. 45, Sec. 13. It shall achieve greater parity in decision-making authority, roles and responsibilities, and reporting structure related to early care and learning across the Agency of Education and Agency of Human Services.

(b) The implementation plan required pursuant to this section shall contain any legislative language required for the division of the Department.

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

#### Sec. 23. EFFECTIVE DATES

(a) Except as provided in subsection (b) of this section, this act shall take effect on July 1, 2023.

(b)(1) Sec. 3 (determination of weighted long-term membership and per pupil education spending) shall take effect on July 1, 2026.

(2) Sec. 5 (Child Care Financial Assistance Program; eligibility), Sec. 5b (fiscal year 2024; family contribution), Sec. 6 (provider rate adjustment; Child Care Financial Assistance Program), and Sec. 9 (payment to providers) shall take effect on January 1, 2024, except that the Commissioner for Children and Families shall initiate any rulemaking necessary prior to that date in order to perform the Commissioner's duties under this act.

(3) Sec. 5a (Child Care Financial Assistance Program; eligibility) and Sec. 10 (child care quality and capacity incentive program) shall take effect on July 1, 2024.

**(Committee vote: 10-1-0)**

#### S. 73

An act relating to workers' compensation coverage for firefighters with cancer

**Rep. Sammis of Castleton**, for the Committee on Commerce and Economic Development, recommends that the House propose to the Senate that the bill be amended as follows:

First: In Sec. 1, 21 V.S.A. § 601, definitions, in subdivision (11)(E)(iii), after “liver,” by inserting “lung.”

Second: By striking out Secs. 2 and 3 in their entireties and inserting in lieu thereof Secs. 2, 3, and 4 to read as follows:

Sec. 2. ANNUAL CANCER SCREENINGS; PERSONAL PROTECTIVE  
EQUIPMENT UPGRADES; REPORT

(a) On or before January 15, 2024, the Director of the Division of Fire Safety shall submit a written report to the House Committees on Appropriations, on Commerce and Economic Development, and on Government Operations and Military Affairs and the Senate Committees on Appropriations; on Economic Development, Housing and General Affairs; and on Government Operations regarding the following topics:

(1) the projected cost for the State to fund annual or biennial cancer screenings for all career and volunteer firefighters in Vermont;

(2) the projected cost for the State to fund cancer screenings for all enrollees in the Vermont Fire Academy Firefighter I certification program prior to the commencement of training;

(3) potential opportunities for the State to reduce the cost for fire departments to provide annual cancer screenings for their firefighters;

(4) the projected cost for the State to fund the replacement of personal protective equipment for all volunteer and career firefighters on a rolling basis so that all personal protective equipment is replaced within 10 years after being acquired; and

(5) potential opportunities for the State to reduce the cost to fire departments for the replacement of personal protective equipment.

(b) The report may include recommendations for legislative action to facilitate:

(1) the early identification of cancer in firefighters;

(2) the acquisition of personal protective equipment by fire departments;  
and

(3) the elimination of PFAS and other carcinogens in firefighting equipment.

Sec. 3. WORKERS’ COMPENSATION FOR FIREFIGHTERS WITH  
CANCER; ELIGIBILITY

(a) On or before January 15, 2024, the Commissioners of Labor and of

Financial Regulation, in consultation with the Director of the Division of Fire Safety, shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding the following topics:

(1) the potential impacts on workers' compensation claims, premiums, and loss costs of amending or repealing the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter:

(A) is over 65 years of age; or

(B) has used tobacco products within the last 10 years;

(2) the potential impacts on workers' compensation claims, premiums, and loss costs of amending 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter, including:

(A) additional types of cancer:

(i) that occur more frequently in firefighters than the general public;

(ii) that are caused by carcinogens to which firefighters are exposed in the line of duty; or

(iii) both; or

(B) all forms of cancer; and

(3) potential methods for apportioning liability for workers' compensation in instances where a firefighter has been employed by more than one fire department, including when a firefighter is employed as a career firefighter by one department and a volunteer firefighter by another department.

(b) The report may include recommendations for legislative action to:

(1) amend or repeal the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter is over 65 years of age or has used tobacco products within the last 10 years; and

(2) amend 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter to include either:

(A) additional specific cancers for which firefighters have a



significantly increased risk in comparison to the general public; or

(B) all forms of cancer.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

**(Committee vote: 11-0-0)**

**Action Postponed Until April 26, 2023**

**Senate Proposal of Amendment**

**H. 53**

An act relating to driver's license suspensions

The Senate proposes to the House to amend the bill as follows:

The Senate proposes to the House to amend the bill by striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 2. IMPLEMENTATION

The Commissioner of Motor Vehicles shall not suspend any driver's licenses or privileges to operate that are not already suspended as of the effective date of this act solely for the nonpayment of a civil penalty for a traffic violation committed prior to the effective date of this act.

Sec. 3. EFFECTIVE DATE

This act shall take effect 30 calendar days after passage.

**NOTICE CALENDAR**

**Senate Proposal of Amendment**

**H. 89**

An act relating to civil and criminal procedures concerning legally protected health care activity

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 1, 1 V.S.A. § 150, by striking out subsections (a)–(c) in their entireties and inserting in lieu thereof new subsections (a)–(c) to read as follows:

(a) "Gender-affirming health care services" means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature,

including medication, relating to the treatment of gender dysphoria and gender incongruence. “Gender-affirming health care services” does not include conversion therapy as defined by 18 V.S.A. § 8351.

(b)(1) “Legally protected health care activity” means:

(A) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services secured by this State;

(B) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by this State, provided that the provision of such a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location; or

(C) the provision, issuance, or use of, or enrollment in, insurance or other health coverage for reproductive health care services or gender-affirming health care services that are legal in this State, or any act to aid or encourage, or attempt to aid or encourage, any person in the provision, issuance, or use of, or enrollment in, insurance or other health coverage for those services, regardless of the location of the insured or individual seeking insurance or health coverage, if the insurance or health coverage is permitted under the laws of this State.

(2) Except as provided in subdivision (3) of this subsection, the protections applicable to “legally protected health care activity” shall not apply to a lawsuit; judgment; or civil, criminal, or administrative action that is based on conduct for which an action would exist under the laws of this State if the course of conduct that forms the basis for liability had occurred entirely in this State.

(3) Notwithstanding subdivision (2) of this subsection, the provision of a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location or whether the health care provider is licensed in the state where the patient is located at the time the service is rendered.

(c)(1) “Reproductive health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature,

including medication, relating to pregnancy, contraception, assisted reproduction, pregnancy loss management, or the termination of a pregnancy.

(2) “Reproductive health care services” includes medication that was approved by the U.S. Food and Drug Administration (FDA) for termination of a pregnancy as of January 1, 2023, regardless of the medication’s current FDA approval status:

(A) when such medication is procured, ordered, stored, distributed, prescribed, dispensed, or administered, or a combination thereof, by a person duly licensed under the laws of this State, as long as the licensee’s actions conform to the essential standards of acceptable and prevailing practice for the licensee’s profession; or

(B) when such medication is used by an individual.

Second: By striking out Sec. 9, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

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

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

## CONSENT CALENDAR

### Concurrent Resolutions for Adoption Under Joint Rules 16a - 16d

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration in that member’s chamber before today’s adjournment. Requests for floor consideration in either chamber should be communicated to the Senate Secretary’s Office or the House Clerk’s Office, as applicable. For text of resolutions, see Addendum to House Calendar of April 19, 2023.

#### H.C.R. 92

House concurrent resolution in memory of Vergennes Fire Chief James M. Breur

#### H.C.R. 93

House concurrent resolution recognizing April 2023 as Donate Life Awareness Month in Vermont

**H.C.R. 94**

House concurrent resolution congratulating the National Wild Turkey Federation on its 50th anniversary

**H.C.R. 95**

House concurrent resolution congratulating the 2022 Green Mountain Council Class of Eagle Scouts and the recipient of the Summit Award

**H.C.R. 96**

House concurrent resolution congratulating The Wilson House on its 35th anniversary

**H.C.R. 97**

House concurrent resolution honoring Boy Scout Troop 1 in Barre on becoming the official descendant of America's first Boy Scout troop

**H.C.R. 98**

House concurrent resolution congratulating the 2023 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching

**H.C.R. 99**

House concurrent resolution recognizing July 2023 as Self-Care Awareness Month in Vermont

**For Informational Purposes**

**NOTICE OF JFO GRANTS AND POSITIONS**

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

**JFO #3146:** \$737,685.00 to the Vermont Department of Corrections from the U.S. Department of Justice. This grant was awarded to Vermont State Colleges who will sub-grant to the VT Department of Corrections. This grant includes two (2) limited-service positions, Post-Secondary Program Coordinators, to engage Vermont's correctional facility staff in post-secondary educational opportunities and improved employment opportunities, both within and without the Department and State government. Positions are fully funded through 8/31/2025 with a potential one-year extension. *[Received April 3, 2023]*

**JFO #3145:** \$250,000.00 to the Vermont Agency of Human Services Department of Mental Health from the National Association of State Mental Health Program Directors. Funds will support direct services to be provided to the public through the Crisis Assistance Helping Out on the Street (CAHOOTS) program. The VT Department of Health will collaborate with the City of Burlington, Burlington Police Department and local area health providers to support this pilot. The goal is to establish a trauma-informed approach that will only utilize system components that are necessary for individual situations. *[Received April 3, 2023]*

**JFO #3144:** \$173,973.00 to the Vermont Attorney General's Office from the Vermont Network Against Domestic and Sexual Violence. The Firearm Technical Assistant Project serves to improve Vermont's statewide responses to the intersection of firearms and domestic violence. The Attorney General's office will lead the management team and provide project oversight including communication with the project partners: Vermont Network, Defender General's Office, Vermont State Police, Vermont Judiciary, Disability Rights Vermont, AALV-VT and the Abenaki Nation. *[Received April 3, 2023]*

**JFO #3143:** \$514,694.00 to the Agency of Human Services, Department of Vermont Health Access from the DHHS/ONC via Passthrough from the Association of State and Territorial Health Officials. Funds will be used to support Vermont's participation in the COVID-19 Immunization Data Exchange, Advancement and Sharing learning community with the aim of advancing immunization information and health information exchange sharing. *[Received March 23, 2023]*

**JFO #3142:** \$15,000.00 to Agency of Natural Resources, Department of Environmental Conservation from the Maine Geological Society. Funds will be used to identify contradictions in mapped geological formations across state lines in New England. *[Received March 23, 2023]*

**JFO #3141:** Donation of Alexander Twilight portrait, commissioned from artist Katie Runde to the Vermont State Curator's Office from the Friends of the Vermont State House. The donation is valued at \$32,923.27. Twilight was the first person of African descent to be elected to a state legislature and served one term in Vermont. The portrait is currently displayed in the main lobby of the Vermont State House. *[Received March 23, 2023]*

**JFO #3140:** \$241,208.00 to Building and General Services, Vermont State Curator's Office from the Institute of Museum and Library Services. The

FY2020 Save America's Treasures grant will restore and conserve Sculpture on the Highway, an outdoor collection of sixteen monumental marble and concrete sculptures created at two international sculpture symposia held in Vermont during the summers of 1968 and 1971. *[Received March 23, 2023]*

**JFO #3139:** \$644,469.00 to the Vermont Judiciary, Court Administrator's Office from the U.S. Department of Justice. The grant will support the VT Judiciary Commission on Mental Health, established in July 2022. The Commission is focused on addressing the needs of court-involved individuals with behavioral health issues. Funds will help develop training activities and materials for VT Judiciary staff. *[Received March 22, 2023]*

**JFO #3138:** One (1) limited-service position, Statewide Grants Administrator, to the Agency of Administration, Department of Finance and Management to cover increased grant activity due to the Covid-19 pandemic. The position is funded through Act 185 of 2022. Sec G.801 of the Act appropriates ARPA funds for administrative costs related to the pandemic. This position is funded through 12/31/2026. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/ec01b0bea7/JFO-3138-packet.pdf>  
*[Received February 9, 2023]*

**JFO #3137:** One (1) limited-service position to the Vermont Department of Health, Senior Health Asbestos and Lead Engineer, to perform senior professional level work to educate, advise on and enforce Vermont asbestos and lead control regulations. The position is funded through 9/30/2024 through an existing Environmental Protection Agency grant. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/a44b7c8cac/JFO-3137-packet-v2.pdf>  
*[Received 1/23/2023]*

**JFO #3136:** \$5,000,000.00 to the Agency of Administration, Public Service Department, VT Community Broadband Board (VCBB) from the National Telecommunications and Information Administration, Broadband Equity, Access and Deployment Program to deliver broadband to unserved and underserved areas in Vermont. This is a 5-year grant and will fill in the technical gaps existing in the VCBB's program of broadband deployment. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/3d7b96fcb1/JFO-3136-packet.pdf>  
*[Received 1/23/2023]*