

Journal of the Senate

FRIDAY, MAY 16, 2025

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the President recognized the following-named pages who are completing their services today and presented them with letters of appreciation.

Austen N. Boulanger of South Burlington
Eleanor Brady of Williston
Atticus Lawler of East Montpelier
Braeden Schuren Burns of Montpelier
Naomi Isla Segal of Woodstock
Oscar Vulte of Brattleboro
Alex Young-Springer of Burlington

Message from the House No. 62

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

Mr. President:

I am directed to inform the Senate that:

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

H. 46. An act relating to the Rare Disease Advisory Council.

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

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

S. 63. An act relating to modifying the regulatory duties of the Green Mountain Care Board.

S. 125. An act relating to workers' compensation and collective bargaining rights.

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

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

H. 41. An act relating to abuse of the dead body of a person.

And has concurred therein.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

H. 493. An act relating to making appropriations for the support of the government.

And has adopted the same on its part.

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

J.R.S. 26. Joint resolution relating to weekend adjournment on May 16, 2025.

And has adopted the same in concurrence.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Jaye Pershing Johnson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the fifteenth day of May, 2025 he approved and signed bills originating in the Senate of the following titles:

S. 27. An act relating to medical debt relief and excluding medical debt from credit reports.

S. 36. An act relating to the delivery and payment of certain services provided through the Agency of Human Services, services for persons who are incapacitated, and Human Services Board proceedings.

Bill Referred to Committee on Finance

H. 319.

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to miscellaneous environmental subjects.

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee on Appropriations:

H. 454. An act relating to transforming Vermont's education governance, quality, and finance systems.

H. 480. An act relating to miscellaneous amendments to education law.

Bills Introduced

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

S. 155.

By Senators Gulick, Brock, Chittenden, Hardy, Lyons, Major, Plunkett, Weeks and White,

An act relating to the use of automated traffic law enforcement (ATLE) systems by municipalities.

To the Committee on Transportation.

S. 156.

By Senators Gulick, Major, Vyhovsky and White,

An act relating to miscellaneous amendments to the Vermont State Employees' Retirement System.

To the Committee on Government Operations.

Bill Referred

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

H. 46. An act relating to the Rare Disease Advisory Council.

And pursuant to Temporary Rule 44A, was referred to the Committee on Rules.

House Proposal of Amendment Concurred In**S. 87.**

House proposal of amendment to Senate bill entitled:

An act relating to extradition procedures.

Was taken up.

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

Sec. 1. 13 V.S.A. § 4955 is amended to read:

§ 4955. COMMITMENT TO AWAIT EXTRADITION; BAIL

If upon examination it appears that the person held is the person charged with having committed the crime alleged and that the person probably committed the crime, and, except in cases arising under section 4946 of this title, that the person has fled from justice, the judge or magistrate shall commit the person to jail by a warrant, reciting the accusation, for such a time, not exceeding ~~30~~ 90 days, to be specified in the warrant as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in section 4956 of this title, or until the person shall be legally discharged. On request of the state, the hearing may be continued for up to three ~~working~~ business days, only for the purpose of determining whether the person probably committed the crime. Findings under this section may be based upon hearsay evidence or upon copies of affidavits, whether certified or not, made outside this State. It shall be sufficient for a finding that a person probably committed the crime that there is a current grand jury indictment from another state.

Sec. 2. 13 V.S.A. § 4957 is amended to read:

§ 4957. EXTENDING TIME OF COMMITMENT

If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant, bond, or undertaking, such judge may discharge ~~him or her~~ or may recommit ~~him or her~~ the accused for a further period not to exceed ~~60~~ 30 days, or may again take bail for ~~his or her~~ the accused's appearance and surrender as provided in section 4956 of this title, but within a period not to exceed ~~60~~ 30 days after the date of such new bond.

Sec. 3. 13 V.S.A. § 4967 is amended to read:

§ 4967. WRITTEN WAIVER OF EXTRADITION PROCEEDINGS

(a)(1) Any person arrested in this State charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of ~~his or her~~ bail, probation, or parole may waive the issuance and service of the warrant provided for in sections 4947 and 4948 of this title and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this State a writing that states that ~~he or she~~ the person consents to return to the demanding

state; provided, however, before ~~such~~ the waiver ~~shall be~~ is executed or subscribed by ~~such~~ the person ~~it shall be the duty of such,~~ the judge ~~to~~ shall inform ~~such~~ the person of ~~his or her~~ the rights right to the issuance and service of a warrant of extradition and the right to obtain a writ of habeas corpus as provided for in section 4950 of this title.

(2) If the person previously signed an authenticated waiver of extradition to the demanding state, the waiver shall be presumed valid. If the person contests the validity of the previously signed waiver, the person bears the burden of proving that the waiver is not valid. If the court finds that the waiver is valid, it may proceed as if the person had consented to return to the demanding state in accordance with subdivision (1) of this subsection.

(b) If and when such consent has been duly executed, it shall forthwith be forwarded to the office of the Governor of this State and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state; and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this State.

Sec. 4. 13 V.S.A. § 5043 is amended to read:

§ 5043. HEARING, COMMITMENT, DISCHARGE

(a) If an arrest is made in this State by an officer of another state in accordance with the provisions of section 5042 of this title, ~~he or she shall~~ the officer, without unnecessary delay, shall take the person arrested before a Superior judge of the unit in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest.

(b) If the judge determines that the arrest was lawful, ~~he or she~~ the judge shall commit the person arrested to await for ~~a reasonable time~~ the issuance of an extradition warrant by the Governor of this State within 90 days or admit such person to bail pending the issuance of such warrant. The judge shall consider the issuance of a judicial warrant for the arrest of the person who has fled justice to Vermont from another state when determining the risk of flight from prosecution.

(c) If the judge determines that the arrest was unlawful, ~~he or she~~ the judge shall discharge the person arrested.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage and shall apply prospectively and not affect extraditions in process at the time of enactment.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Proposal of Amendment; Third Reading Ordered**H. 482.**

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

An act relating to Green Mountain Care Board authority to adjust a hospital's reimbursement rates and to appoint a hospital observer.

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

Sec. 1. 18 V.S.A. § 9384 is added to read:

§ 9384. REDUCTION OR REALLOCATION OF REIMBURSEMENT
RATES; RISKS TO HEALTH INSURER SOLVENCY

(a) As used in this section:

(1) "Hospital" has the same meaning as in section 9451 of this title.

(2) "Hospital network" means a system comprising two or more affiliated hospitals, and may include other health care professionals and facilities, that derives 50 percent or more of its operating revenue, at the consolidated network level, from Vermont hospitals and in which the affiliated hospitals deliver health care services in a coordinated manner using an integrated financial and governance structure.

(b) If the Green Mountain Care Board determines, after consultation with the Commissioner of Financial Regulation, that a domestic health insurer faces an acute and immediate threat to its solvency because its risk-based capital level has triggered a regulatory action level event pursuant to 8 V.S.A. § 8304, the Board may order a reduction of the insurer's reimbursement rates to one or more Vermont hospitals as set forth in subsection (c) of this section until such time as the amount of the insurer's risk-based capital exceeds the company action level risk-based capital threshold defined in 8 V.S.A. § 8301. Notwithstanding any provision of 3 V.S.A. chapter 25 to the contrary, the Board's activities under this section shall not be construed to be a contested case. Any person aggrieved by a final Board action, order, or determination under this section may appeal as set forth in section 9381 of this title.

(c)(1) The Board shall only order a reduction in the reimbursement rates to a hospital that meets one or both of the following criteria:

(A) the hospital has more than 135 days' cash on hand and had a positive operating margin in the previous fiscal year; or

(B) the hospital is a member of a hospital network that, at the consolidated network level, has more than 135 days' cash on hand or had a positive operating margin in the previous fiscal year, or both.

(2) The Board shall order a reduction in reimbursement rates to a hospital pursuant to this section only to the extent necessary to remediate the threat to the domestic health insurer's solvency. In determining whether and to what extent to reduce a hospital's reimbursement rates pursuant to this section, the Board shall consider the competing financial obligations of the hospital and of the domestic health insurer.

(3) The Board shall provide a hospital with the opportunity to request relief from a rate reduction ordered pursuant to this section.

(4) In no event shall a reduction ordered by the Board pursuant to this section result in a decrease to a hospital's or hospital network's projected days' cash on hand to below 125 days.

Sec. 2. 18 V.S.A. § 9456 is amended to read:

§ 9456. BUDGET REVIEW

* * *

(c) Individual hospital budgets established under this section shall:

* * *

(4) reflect budget performances for prior years and, if not already addressed pursuant to subsection (h) of this section, account for any significant deviation in revenue during the most recently completed fiscal year in excess of the budget established for the hospital pursuant to this section;

* * *

(f)(1) The Board may, upon application, adjust a budget established under this section upon a showing of need based upon exceptional or unforeseen circumstances in accordance with the criteria and processes established under section 9405 of this title.

(2) The Board may, on its own initiative, adjust the commercial health insurance reimbursement rates payable to a hospital at any time during the hospital's fiscal year in order to ensure that the hospital operates within the budget established under this section.

(g)(1) The Board may request, and a hospital shall provide, information determined by the Board to be necessary to determine whether the hospital is operating within a budget established under this section. For purposes of this subsection, subsection (h) of this section, and subdivision 9454(a)(7) of this title, the Board's authority shall extend to an affiliated corporation or other person in the control of or controlled by the hospital to the extent that such authority is necessary to carry out the purposes of this subsection, subsection (h) of this section, or subdivision 9454(a)(7) of this title. As used in this subsection, a rebuttable presumption of "control" is created if the entity, hospital, or other person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing 20 percent or more of the voting securities or membership interest or other governing interest of the hospital or other controlled entity.

(2)(A) The Board may, upon finding that a hospital has made a material misrepresentation in information or documents provided to the Board or that a hospital is materially noncompliant with the budget established by the Board pursuant to this section, appoint an independent observer with respect to any matter related to the Board's review or enforcement under this section if the Board believes that doing so is in the public interest. The independent observer shall be a person with experience and expertise relevant to the specific circumstances. At the direction of the Board, the independent observer may monitor the hospital's operations, obtain information from the hospital, and report findings and recommendations to the Board.

(B) An independent observer appointed pursuant to this subdivision (2) shall have the right to receive copies of all materials related to the Board's review under this section and the hospital shall provide any information requested by the independent observer, including any information regarding the hospital's participation in a hospital network. The independent observer shall share information provided by the hospital with the Board and with the Office of the Health Care Advocate in accordance with subdivision (d)(3) of this section but shall not otherwise disclose any confidential or proprietary information that the independent observer obtained from the hospital.

(C) The Board may order a hospital to pay for all or a portion of the costs of an independent observer appointed for the hospital pursuant to this subdivision (2).

* * *

Sec. 3. INDEPENDENT HOSPITAL OBSERVER AUTHORITY;
PROSPECTIVE REPEAL

18 V.S.A. § 9456(g)(2) (authority to appoint independent hospital observer) is repealed on January 1, 2030.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

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

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

Proposal of Amendment; Third Reading Ordered

H. 222.

Senator Vyhovsky, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to civil orders of protection.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 2, 15 V.S.A. § 1103, in subdivision (c)(2)(J), in the second sentence, after “civil contempt proceedings” by inserting “pursuant to Rule 16 of the Vermont Rules of Family Proceedings”

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

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

Bills Passed in Concurrence with Proposal of Amendment

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

H. 1. An act relating to accepting and referring complaints by the State Ethics Commission.

H. 44. An act relating to miscellaneous amendments to the laws governing impaired driving.

Bill Passed in Concurrence**H. 505.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to approval of amendments to the charter of the Town of Barre.

Proposal of Amendment; Third Reading Ordered**H. 209.**

Senator Heffernan, for the Committee on Education, to which was referred House bill entitled:

An act relating to intranasal epinephrine in schools.

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

Sec. 1. 16 V.S.A. § 1388 is amended to read:

§ 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF
EPINEPHRINE AUTO-INJECTORS

(a) As used in this section:

(1) “Designated personnel” means a school employee, agent, or volunteer who has completed training required by State Board policy and who has been authorized by the school administrator or delegated by the school nurse to provide and administer epinephrine auto-injectors under in accordance with a provider’s standing order or protocol pursuant to this section and who has completed the training required by State Board policy.

(2) “Epinephrine auto-injector” means a U.S. Food and Drug Administration-approved single-use device that delivers a epinephrine delivery system containing a premeasured single dose of epinephrine.

(3) “Health care professional” means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33, an advanced practice registered nurse licensed to prescribe drugs and medical devices pursuant to 26 V.S.A. chapter 28, or a physician assistant licensed to prescribe drugs and medical devices pursuant to 26 V.S.A. chapter 31.

(4) “School” means a public or approved independent school and extends to school grounds, school-sponsored activities, school-provided transportation, and school-related programs.

(5) “School administrator” means a school’s principal or headmaster.

(6) “School nurse” means a school nurse or associate school nurse endorsed by the Agency of Education pursuant to the Licensing of Educators and the Preparation of Educational Professionals rule (CVR 22-000-010).

(b)(1) A health care professional may prescribe an epinephrine ~~auto-injector~~ in a school’s name, which may be maintained by the school for use as described in subsection (d) of this section. The health care professional shall issue to the school a standing order for the use of an epinephrine ~~auto-injector~~ prescribed under this section, including protocols for:

(A) ~~assessing~~ recognizing whether an individual is experiencing a potentially life-threatening allergic reaction;

(B) administering an epinephrine ~~auto-injector~~ to an individual experiencing a potentially life-threatening allergic reaction;

(C) caring for an individual after administering an epinephrine ~~auto-injector~~ to him or her, including contacting emergency services personnel and documenting the incident; and

(D) disposing of used or expired epinephrine ~~auto-injectors~~.

(2) A pharmacist licensed pursuant to 26 V.S.A. chapter 36 or a health care professional may dispense epinephrine ~~auto-injectors~~ prescribed to a school.

(c) A school may maintain a stock supply of epinephrine ~~auto-injectors~~. A school may enter into arrangements with epinephrine ~~auto-injector~~ manufacturers or suppliers to acquire ~~epinephrine auto-injectors~~ these products for free or at reduced or fair market prices.

(d) The school administrator may authorize a school nurse or appropriately trained designated personnel, ~~or both~~, to:

(1) provide an epinephrine ~~auto-injector~~ to a student for self-administration according to a plan of action for managing the student’s life-threatening allergy maintained in the student’s school health records pursuant to section 1387 of this title;

(2) administer a prescribed epinephrine ~~auto-injector~~ to a student according to a plan of action maintained in the student’s school health records; and

(3) administer an epinephrine ~~auto-injector~~, in accordance with the protocol issued under subsection (b) of this section, to a student or other individual at a school if the school nurse or designated personnel believe in good faith that the student or individual is experiencing anaphylaxis, regardless

of whether the student or individual has a prescription for an epinephrine ~~auto-injector~~.

(e) Designated personnel, a school, a school nurse, and a health care professional prescribing an epinephrine ~~auto-injector~~ to a school shall be immune from any civil or criminal liability arising from the administration or self-administration of an epinephrine ~~auto-injector~~ under this section, unless the person's conduct constituted intentional misconduct. Providing or administering an epinephrine ~~auto-injector~~ under this section does not constitute the practice of medicine.

(f) ~~On or before January 1, 2014, the~~ The State Board, in consultation with the Department of Health, shall adopt policies for managing students with life-threatening allergies and other individuals with life-threatening allergies who may be present at a school. The policies shall:

(1) establish protocols to prevent exposure to allergens in schools;

(2) establish procedures for responding to life-threatening allergic reactions in schools, including postemergency procedures;

(3) implement a process for schools and the parents or guardians of students with a life-threatening allergy to jointly develop a written individualized allergy management plan of action that:

(A) incorporates instructions from a student's ~~physician~~ health care professional regarding the student's life-threatening allergy and prescribed treatment;

(B) includes the requirements of section 1387 of this title, if a student is authorized to possess and self-administer emergency medication at school;

(C) becomes part of the student's health records maintained by the school; and

(D) is updated each school year;

(4) require education and training for school nurses and designated personnel, including training related to storing and administering an epinephrine ~~auto-injector~~ and recognizing and responding to a life-threatening allergic reaction; and

(5) require each school to make publicly available protocols and procedures developed in accordance with the policies adopted by the State Board under this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

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

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

House Proposal of Amendment Concurred In

S. 117.

House proposal of amendment to Senate bill entitled:

An act relating to rulemaking on safety and health standards and technical corrections on employment practices and unemployment compensation.

Was taken up.

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

* * * Safety and Health Rulemaking * * *

Sec. 1. [Deleted.]

Sec. 2. [Deleted.]

Sec. 3. [Deleted.]

Sec. 4. [Deleted.]

* * * Wage and Hour * * *

Sec. 5. 21 V.S.A. § 342a is amended to read:

§ 342a. INVESTIGATION OF COMPLAINTS OF UNPAID WAGES

* * *

(d) If the Commissioner determines that the unpaid wages were willfully withheld by the employer, the order for collection ~~may~~ shall provide that the employer is liable to pay an additional amount not to exceed twice the amount of unpaid wages, ~~one-half.~~ One-half of ~~which will~~ the additional amount recovered above the employee's unpaid wages shall be remitted to the employee and ~~one-half of which~~ shall be retained by the Commissioner to offset administrative and collection costs.

* * *

Sec. 6. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a)(1) Beginning on January 1, 2022, an employer shall not employ any employee at a rate of less than \$12.55, and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency, rounded to one decimal point, for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01.

* * *

Sec. 7. 21 V.S.A. § 385 is amended to read:

§ 385. ADMINISTRATION

The Commissioner and the Commissioner's authorized representatives have full power and authority for all the following:

* * *

~~(5) To recommend a suitable scale of rates for learners, apprentices, and persons with disabilities, which may be less than the regular minimum wage rate for experienced workers without disabilities.~~

* * * Notice of Potential Layoffs * * *

Sec. 8. [Deleted.]

* * * Unemployment Compensation * * *

Sec. 9. 21 V.S.A. § 1308 is amended to read:

§ 1308. ORGANIZATION

The Commissioner shall determine ~~his or her~~ the method of procedure in accordance with the provisions of this chapter. Notwithstanding any requirement in this chapter that the Commissioner mail notices and determinations, the Commissioner may provide claimants and employers with the option to authorize communications from the Commissioner to be delivered electronically.

Sec. 10. 21 V.S.A. § 1314 is amended to read:

§ 1314. REPORTS AND RECORDS; SEPARATION INFORMATION;
DETERMINATION OF ELIGIBILITY; FAILURE TO REPORT
EMPLOYMENT INFORMATION; DISCLOSURE OF
INFORMATION TO OTHER STATE AGENCIES TO
INVESTIGATE MISCLASSIFICATION OR MISCODING

* * *

(c) If an employing unit fails to comply adequately with the provisions of subsection (b) of this section and section 1314a of this subchapter, the Commissioner shall determine the benefit rights of a claimant upon the available information. Prompt notice in writing of the determination shall be given to the employing unit. The employing unit may request or authorize the Commissioner to provide notice of the determination electronically. The determination shall be final with respect to a noncomplying employer as to any charges against its experience-rating record for benefits paid to the claimant before the week following the receipt of the employing unit's reply. The employing unit's experience rating record shall not be relieved of these charges, notwithstanding any other provision of this chapter, unless the Commissioner determines that failure to comply was due to unavoidable accident or mistake.

* * *

Sec. 11. 21 V.S.A. § 1314a is amended to read:

§ 1314a. QUARTERLY WAGE REPORTING; MISCLASSIFICATION;
PENALTIES

* * *

(d) Reports required by subsection (c) of this section shall be submitted to the Commissioner not later than 10 calendar days after the date the Commissioner's request was sent electronically or mailed to the employing unit.

(e) On request of the Commissioner, any employing unit or employer shall report, within 10 days after the mailing, electronic delivery, or personal delivery of the request, separation information for a claimant, any disqualifying income the claimant may have received, and any other information that the Commissioner may require to determine the claimant's eligibility for unemployment compensation. The Commissioner shall make a request when:

* * *

Sec. 12. 21 V.S.A. § 1330 is amended to read:

§ 1330. ASSESSMENT PROVIDED

When any employer fails to pay any contributions or payments required under this chapter, the Commissioner shall make an assessment of contributions against the employer together with applicable interest and penalty. After making the assessment, the Commissioner shall give notice to the employer electronically or by ordinary or certified mail, and the assessment shall be final unless the employer petitions for a hearing on the assessment pursuant to section 1331 of this subchapter.

Sec. 13. 21 V.S.A. § 1331 is amended to read:

§ 1331. NOTICE; HEARING

(a) Any employer against whom an assessment is made may, within 30 days after the date of the assessment, file with the Commissioner a petition for a hearing before a referee appointed for that purpose. The petition shall set forth specifically and in detail the grounds upon which it is claimed the assessment is erroneous.

(b) Hearing or hearings on the assessment shall be held by the referee at times and places provided by the rules of the Board and due notice of the time and place of the hearing or hearings shall be given electronically or by ordinary or certified mail to the petitioner.

(c) After the hearing the petitioner shall be promptly notified electronically or by ordinary or certified mail of the findings of fact, conclusions, and decision of the referee.

* * *

Sec. 14. 21 V.S.A. § 1332 is amended to read:

§ 1332. REVIEW BY BOARD; SUPREME COURT APPEAL

* * *

(d) The parties shall be promptly notified electronically or by ordinary or certified mail of the findings of fact, conclusions, and decision of the Board. The decision of the Board shall be final unless it is appealed to the Supreme Court.

Sec. 15. 21 V.S.A. § 1337a is amended to read:

§ 1337a. ADMINISTRATIVE DETERMINATION; HEARING ON

(a) Any employing unit aggrieved by an administrative determination affecting its rate of contributions, its rights to adjustment or refund on contributions paid, its coverage as an employer, or its termination of coverage

may, within 30 days after the date of the determination, file with the Commissioner a petition for a hearing on the determination. The petition shall set forth specifically and in detail the grounds upon which it is claimed the administrative determination is erroneous. Hearing or hearings on the petition shall be held by a referee appointed for that purpose, at times and places as provided by rules of the Board. Notice of the time and place of the hearing or hearings shall be given electronically or by ordinary or certified mail to the petitioner.

(b) After a hearing pursuant to subsection (a) of this section, the petitioner shall be promptly notified electronically or by ordinary or certified mail of the findings of fact, conclusions, and decision of the referee. The decision of the referee shall be final unless the employing unit or Commissioner makes application for review of the decision by the Board within 30 days after the date of the decision or unless the Board, on its own motion within the same period, initiates a review of the decision.

Sec. 16. 21 V.S.A. § 1357 is amended to read:

§ 1357. NOTICES; FORM AND SERVICE

Notices required under the provisions of this chapter, unless otherwise provided by the provisions of this chapter or by rules adopted by the Supreme Court, shall be deemed sufficient if given in writing and delivered to the person entitled to it by an agent of the Commissioner, or sent electronically or by ordinary or certified mail to the last known address of the person appearing in the records of the Commissioner. The manner of service shall be certified by the agent of the Commissioner making the service. Regardless of the manner of service and unless otherwise provided, appeal periods shall commence to run from the date of the determination or decision rendered. If a person to whom a notice has been sent files with the Commissioner within 60 days after the date of the notice a sworn statement to the effect that the notice was not received, or if the Commissioner is satisfied that the addressee did not receive the notice, a new notice shall be sent to that person and the appeal period shall commence to run from the date on which the new notice is sent.

Sec. 17. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;
DISCLOSURE TO SUCCESSOR ENTITY

* * *

(b)(1) Disclosure of contribution rate to successor entity. Any individual or employing unit who in any manner succeeds to or acquires the organization, trade, or business or substantially all of the assets of any employer who has been operating the business within two weeks prior to the acquisition, except

any assets retained by the employer incident to the liquidation of the employer's obligations, and who thereafter continues the acquired business shall be considered to be a successor to the predecessor from whom the business was acquired and, if not already an employer before the acquisition, shall become an employer on the date of the acquisition. The Commissioner shall transfer the experience-rating record of the predecessor employer to the successor employer. If the successor was not an employer before the date of acquisition, the successor's rate of contribution for the remainder of the rate year shall be the rate applicable to the predecessor employers with respect to the period immediately preceding the date of acquisition if there was only one predecessor or there were only predecessors with identical rates. If the predecessors' rates were not identical, the Commissioner shall determine a rate based on the combined experience of all the predecessor employers. If the successor was an employer before the date of acquisition, the contribution rate that was assigned to the successor for the rate year in which the acquisition occurred will remain assigned to the successor for the remainder of the rate year, after which the experience-rating record of the predecessor shall be combined with the experience rating of the successor to form the single employer experience-rating record of the successor. At any time prior to the issuance of the certificate required by subsection 1322(b) of this chapter, an employing unit shall, upon request of a potential successor, disclose to the potential successor its current experience-rating record.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, an individual or employing unit who in any manner succeeds to or acquires the organization, trade, or business or substantially all of the assets of any employing unit who was an employer before the date of acquisition and whose currently assigned contribution rate is higher than that currently assigned to the acquiring individual or employing unit shall not be treated as a successor.

(3) If a successor, upon acquisition of an employer under subdivision (1) of this subsection, divides operation of the successor business between two or more corporate entities, the successor shall designate one of the corporate entities involved in successor's business operations as the filing successor for purposes of quarterly wage reporting and benefit rate assignment. The designated filing successor shall include all employees involved in carrying on the successor business in the designated filing successor's quarterly wage reporting and shall pay the full successor benefit tax on all business employees.

* * *

Sec. 18. 21 V.S.A. § 1326 is amended to read:

§ 1326. RATE BASED ON BENEFIT EXPERIENCE

* * *

(d) The Commissioner shall compute a current fund ratio, and a highest benefit cost rate, as follows:

(1) The current fund ratio shall be determined by dividing the available balance of the Unemployment Compensation Fund on December 31 of the preceding calendar year by the total wages paid for employment during that calendar year as reported by employers by the following March 31.

(2)(A) ~~The highest benefit cost rate shall be determined by dividing the highest amount of benefit payments made during a consecutive 12-month period that ended within the 10-year period ending on the preceding December 31, by the total wages paid during the four calendar quarter periods that ended within that 12-month period~~ is the highest annual ratio within the 10-year period ending on the preceding December 31 of benefits paid, including the State's share of extended benefits, for taxpaying employers divided by total wages paid in covered employment for taxpaying employers for the same period.

(B) Notwithstanding any provision of subdivision (A) of this subdivision (d)(2) to the contrary, when computing the tax rate schedule to become effective on July 1, 2021 and on each subsequent July 1, the Commissioner shall calculate the highest benefit cost rate without consideration of benefit payments made in calendar year 2020.

* * *

Sec. 19. 21 V.S.A. § 1338a is amended to read:

§ 1338a. DISREGARDED EARNINGS

(a) An individual shall be deemed "partially unemployed" in any week of less than full-time work if the wages earned by the individual with respect to such week are less than the weekly benefit amount the individual would be entitled to receive if totally unemployed and eligible. As used in this section, "wages" in any one week includes only that amount of remuneration rounded down to the nearest dollar that is in excess of 50 percent of the individual's weekly wage.

* * *

Sec. 20. 21 V.S.A. § 1462 is amended to read:

§ 1462. PERIOD OF DORMANCY

On July 1, 2020, the Short-Time Compensation Program established pursuant to sections 1451–1461 of this subchapter ~~shall cease~~ ceased operation and ~~shall not resume operation unless directed to do so by enactment of the General Assembly or, if the General Assembly is not in session, by order of the Joint Fiscal Committee. The Joint Fiscal Committee shall issue such order only upon finding that, due to a change in circumstances, resumption of the Short-Time Compensation Program would be the most effective way to assist employers in avoiding layoffs. Upon the effective date of such an enactment or order~~ Effective upon completion of the project to implement a modernized information technology system for the unemployment insurance program in 2026, the Short-Time Compensation Program shall resume operation pursuant to the provisions of sections 1451–1461 of this subchapter.

Sec. 21. 2022 Acts and Resolves No. 183, Sec. 52f is amended to read:

Sec. 52f. UNEMPLOYMENT INSURANCE; INFORMATION
TECHNOLOGY MODERNIZATION; ANNUAL REPORT;
INDEPENDENT VERIFICATION

(a)(1) The Secretary of Digital Services and the Commissioner of Labor shall, to the greatest extent possible, plan and carry out the development and implementation of a modernized information technology system for the unemployment insurance program so that the modernized system is ready and able to implement on or before July 1, ~~2025~~ 2026 the changes to the unemployment insurance weekly benefit amount set forth in Secs. 52d and 52e of this act.

* * *

Sec. 21a. 2022 Acts and Resolves No. 183, Sec. 59 is amended to read:

Sec. 59. EFFECTIVE DATES

* * *

(b)(1) Notwithstanding 1 V.S.A. § 214, Sec. 52a (repeal of prior unemployment insurance supplemental benefit) shall take effect retroactively on October 7, 2021.

* * *

(4)(A) Sec. 52d (amendment of temporary increase in unemployment insurance maximum weekly benefit) shall take effect on July 1, ~~2025~~ 2026 or the date on which the Commissioner of Labor determines that the Department of Labor is able to implement the provisions of that section as set forth in

Sec. 52f(b), whichever is earlier, and shall apply to benefit weeks beginning after that date.

(B) However, Sec. 52d shall not take effect at all if Sec. 52c takes effect before the conditions of subdivision (A) of this subdivision (b)(4) are satisfied.

(5)(A) Sec. 52e (increase in unemployment insurance weekly benefit amount) shall take effect on July 1, ~~2025~~ 2026 and shall apply to benefit weeks beginning after that date.

(B) However, Sec. 52e shall not take effect at all if either

(i) Sec. 52d takes effect before July 1, ~~2025~~ 2026; or

(ii) Sec. 52c has not taken effect before July 1, ~~2025~~ 2026.

* * *

* * * Workers' Compensation * * *

Sec. 22. 21 V.S.A § 601 is amended to read:

§ 601. DEFINITIONS

As used in this chapter:

* * *

(31) “Medical case management” means the planning and coordination of health care services appropriate to achieve the goal of medical rehabilitation.

(A) Medical case management may include medical case assessment, including a personal interview with the injured employee; assistance in developing, implementing, and coordinating a medical care plan with health care providers in consultation with the injured employee and the employees’ family; and an evaluation of treatment results. The goal of medical case management is to provide the injured employee with reasonable treatment options to ensure that the injured employee can make an informed choice.

(B) Medical case managers shall not provide medical care or adjust claims.

(C) An injured employee shall be entitled to medical case management services if reasonably supported. Reasonable support includes a recommendation made by a health care provider or evidence demonstrating the injured employee’s medical recovery would benefit from the services, or both.

Sec. 23. 21 V.S.A. § 602 is amended to read:

§ 602. PROCESS AND PROCEDURE

* * *

(d) When an injured employee does not speak English fluently, the employer shall pay for translation services to ensure the injured employee fully understands the employee's rights and can effectively participate in the employee's medical recovery and the workers' compensation claims process.

Sec. 24. 21 V.S.A. § 640b is amended to read:

§ 640b. REQUEST FOR PREAUTHORIZATION TO DETERMINE IF
PROPOSED BENEFITS OR SERVICES ARE NECESSARY

(a) As used in this section:

(1) ~~"benefits"~~ "Benefits" means medical treatment and surgical, medical, and nursing services and supplies, including prescription drugs and durable medical equipment.

(2) "Services" means medical case management services.

* * *

(e) Within 14 days after receiving a request for preauthorization of proposed medical case management services, the insurer shall do one of the following, in writing:

(1) Authorize the services and notify the injured employee, the Department, and the treating provider recommending the services, if applicable.

(2) Deny the services because the entire claim is disputed, and the Commissioner has not issued an interim order to pay benefits. The insurer shall notify the injured employee, the Department, and the treating provider recommending the services, if applicable, of the decision to deny benefits.

(3) Deny the request if there is not reasonable support for the requested services. The insurer shall notify the injured employee, the Department, and the treating provider recommending the services, if applicable, of the decision to deny benefits.

(4) Notify the injured employee, the Department, and the treating provider recommending the services, if applicable, that the insurer has scheduled an examination of the injured employee pursuant to section 655 of this title or ordered a medical record review pursuant to section 655a of this title. Based on the examination or review, the insurer shall notify the injured employee and the Department of the decision within 45 days after a request for

preauthorization. The Commissioner may, in the Commissioner's sole discretion, grant a 10-day extension to the insurer to authorize or deny the services, and such an extension shall not be subject to appeal.

(f) If the insurer fails to authorize or deny the services pursuant to subsection (e) of this section within 14 days after receiving a request, the injured employee or the injured employee's treating provider, if applicable, may request that the Department issue an order authorizing services. After receipt of the request, the Department shall issue an interim order within five days after notice to the insurer, and five days in which to respond, absent evidence that the entire claim is disputed. Upon request of a party, the Commissioner shall notify the parties that the services have been authorized by operation of law.

(g) If the insurer denies the preauthorization of the services pursuant to subdivision (e)(2), (3), or (4) of this section, the Commissioner may, on the Commissioner's own initiative or upon a request by the injured worker, issue an order authorizing the services if the Commissioner finds that the evidence shows that the services are reasonably supported.

Sec. 25. 21 V.S.A. § 650 is amended to read:

§ 650. PAYMENT; AVERAGE WAGE; COMPUTATION

* * *

(f)(1)(A) When benefits have been awarded or are not in dispute as provided in subsection (e) of this section, the employer shall establish a weekday on which payment shall be mailed or deposited and notify the claimant and the Department of that day. The employer shall ensure that each weekly payment is mailed or deposited on or before the day established.

(B) Payment shall be made by direct deposit to a claimant who elects that payment method. The employer shall notify the claimant of the claimant's right to payment by direct deposit.

(2) If the benefit payment is not mailed or deposited on the day established, the employer shall pay to the claimant a late fee equal to the greater of \$10.00 or:

(A) five percent of the benefit amount, ~~whichever is greater,~~ for each weekly the first payment that is made after the established day;

(B) 10 percent of the benefit amount for the second payment that is made after the established day; and

(C) 15 percent of the benefit amount for the third and any subsequent payments that are made after the established day.

(3) As used in this subsection, “paid” means the payment is mailed to the claimant’s mailing address or, in the case of direct deposit, transferred into the designated account. In the event of a dispute, proof of payment shall be established by affidavit.

Sec. 26. LATE PAYMENT OF AVERAGE WEEKLY WAGES; PENALTY;
REPORT

(a) The payment of any late fee pursuant to 21 V.S.A. § 650(f)(2) shall be reported to the Commissioner on a quarterly basis for one year, commencing on October 1, 2025. The employer shall attest to the reasons for the late payment and the steps being taken to avoid future late payments of benefit amounts. The Commissioner shall compile the information in a format of the Commissioner’s choosing.

(b) An employer who fails to submit the report required by subsection (a) of this section may be assessed an administrative penalty of not more than \$500.00.

(c) On or before January 15, 2027, the Commissioner shall submit a written report to the General Assembly with the Commissioner’s findings on the frequency of late payments at each penalty level, the reasons given for the late payments, and the effectiveness of the late fee penalties in reducing the number of late payments. The report shall include the Commissioner’s recommendation on whether to continue the reporting requirement and whether the penalties for late payments should be maintained, increased, or decreased based upon the reported data.

* * * Effective Date * * *

Sec. 27. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

and that after passage the title of the bill be amended to read: “An act relating to wage and hour, unemployment compensation, and workers’ compensation”

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Appointments Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator Collamore, the following Gubernatorial appointments were confirmed together as a group by the Senate, without reports given by the Committees to which they were referred and without debate:

Aiken, Katie of Bennington - Member of the Parole Board - May 1, 2024 to February 28, 2026.

Boucher, Patricia of South Burlington - Member of the Parole Board - April 15, 2024 to February 28, 2027.

Campion, Brian of Bennington - Member of the State Board of Education - March 1, 2025 to February 28, 2031.

Drake, Samantha K. of Waterbury Center - Alternate Member of the Parole Board - May 28, 2024 to February 28, 2027.

Lenes, Joan of Shelburne - Member of the Community High School of Vermont Board - May 29, 2024 to February 28, 2027.

Maulucci, Jason of Essex - Trustee of the University of VT and Agricultural College Board of Trustees - March 1, 2025 to February 28, 2031.

Saarnijoki, Linda of Weston - Member of the Board of Libraries - March 1, 2025 to February 28, 2029.

Rules Suspended; Immediate Consideration; Bill Referred to Committee on Appropriations

H. 91.

Pending entry on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and Senate bill entitled:

An act relating to the Vermont Homeless Emergency Assistance and Responsive Transition to Housing Program.

Was taken up for immediate consideration.

Thereupon, on motion of Senator Baruth, the rules were suspended, and the bill carrying an appropriation and requiring the expenditure of funds, was referred to the Committee on Appropriations under Senate Rule 31.

Point of Privilege Journalized

During announcements, on a point of personal privilege, Senator Gulick addressed the Chair, and on motion of Senator Hardy, her remarks were entered into the Journal.

“Mr. President,

“Earlier in the session, the Senate Finance Committee heard testimony from the Executive Director of the Vermont Community Broadband Board and we asked to be kept informed of the federal funding landscape.

“Last Friday, the Executive Director shared that the Trump Administration shared with the Vermont Community Broadband Board that their Digital

Equity Grant was being cancelled. This abrupt cancellation will result in a loss of \$5.3 million plus another \$5 million over the course of the next few years resulting in a total loss of \$10 million in grants. Trump decided the Digital Equity Program was 'unconstitutional and grants issued pursuant to it were created with and administered using, impermissible and unconstitutional racial preferences.'

“The Digital Equity Act targeted rural, aging and low-income Vermonters, veterans, people with disabilities, those with language barriers, and members of racial and ethnic minorities, and over 95% of Vermonters fall into one or more of these populations.

“This funding was meant to allow Vermonters to participate in the economy and engage in education, telehealth, remote work and civic engagement through fiber optic infrastructure.

“I know we have asked to journalize many remarks this session, but it’s important that future generations look back and see that there were some in the Vermont Senate who shined a light on the threats to our Democracy and the erosion of the principles of our Constitution.”

Message from the House No. 63

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

Mr. President:

I am directed to inform the Senate that:

The House has considered Senate proposals of amendment to the following House bills:

H. 396. An act relating to the creation of the Mollie Beattie Distinguished Service Award.

H. 461. An act relating to expanding employee access to unpaid leave.

And has severally concurred therein.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

H. 494. An act relating to capital construction and State bonding.

And has adopted the same on its part.

The Governor has informed the House that on May 15, 2025, he returned without signature and vetoed a bill originating in the House of the following title:

H. 219. An act relating to establishing the Department of Corrections' Family Support Program.

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

H.C.R. 141. House concurrent resolution in memory of U.S. Environmental Protection Agency (EPA) engineer Edward M. Hathaway.

H.C.R. 142. House concurrent resolution honoring Steven D. Faccio of Strafford for his inspiring leadership as a conservation biologist.

H.C.R. 143. House concurrent resolution honoring former Pawlet First Constable David Ricard Sr. for his outstanding municipal public service.

H.C.R. 144. House concurrent resolution commemorating the 250th anniversary of the U.S. Marine Corps.

H.C.R. 145. House concurrent resolution celebrating the 35th anniversary of the installation of the first piece of art for the Art in State Buildings Program.

H.C.R. 146. House concurrent resolution commemorating the 60th anniversary of the Bennington Fire Department's management of the annual Bennington Battle Day Weekend Parade and festivities.

H.C.R. 147. House concurrent resolution commemorating the 250th anniversary of the establishment of the U.S. Navy.

H.C.R. 148. House concurrent resolution in memory of distinguished Vermont attorney Richard T. Cassidy of Burlington.

H.C.R. 149. House concurrent resolution commemorating the 175th anniversary of the Bennington Fire Department.

H.C.R. 150. House concurrent resolution congratulating Bennington Lodge No. 567 of the Benevolent and Protective Order of Elks on 125 years of community service and good fellowship.

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

Text of Communication from Governor

The text of the communication to the House from His Excellency, the Governor, whereby he vetoed and returned unsigned **House Bill No. 219** is as follows:

“May 15, 2025

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
State House
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning H.219, *An act relating to establishing the Department of Corrections' Family Support Program*, without my signature because of my objections described herein:

I have no objection to providing family support programs for incarcerated parents and guardians, however, this bill violates the constitutionally mandated, separation of powers by attempting to obligate the Governor to include funding in the annual budget submission to the Legislature.

The Vermont Constitution Chapter II, Section 20 is clear. The Legislature has no authority to direct the Governor on how to establish funding and policy priorities in the Governor's budget submission. For this reason, I cannot allow this bill to go into law.

I met with several lawmakers to notify them of my intent to veto the bill and provided assurances that, because this program was also included in the budget (H.493, Sec E.338.1), it will move forward in FY26 as planned. I would also welcome the Legislature to send me the bill again with the change, if preferred, or address it next session.

Sincerely,

/s/Philip B. Scott
Governor

PBS/kp”

House Concurrent Resolutions

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

Offered by Reps. Holcombe and Masland,

H.C.R. 141.

House concurrent resolution in memory of U.S. Environmental Protection Agency (EPA) engineer Edward M. Hathaway.

Offered by Reps. Kimbell and others,

Offered by Senators Clarkson, Major and White,

H.C.R. 142.

House concurrent resolution honoring Steven D. Faccio of Strafford for his inspiring leadership as a conservation biologist.

Offered by Reps. Pritchard and McCoy,

Offered by Senators Collamore, Weeks and Williams,

H.C.R. 143.

House concurrent resolution honoring former Pawlet First Constable David Ricard Sr. for his outstanding municipal public service.

Offered by Reps. Morrissey and others,

Offered by Sens. Bongartz and Plunkett,

H.C.R. 144.

House concurrent resolution commemorating the 250th anniversary of the U.S. Marine Corps.

Offered by Reps. Emmons and others,

H.C.R. 145.

House concurrent resolution celebrating the 35th anniversary of the installation of the first piece of art for the Art in State Buildings Program.

Offered by Reps. Morrissey and others,

Offered by Sens. Bongartz and Plunkett,

H.C.R. 146.

House concurrent resolution commemorating the 60th anniversary of the Bennington Fire Department's management of the annual Bennington Battle Day Weekend Parade and festivities.

Offered by Reps. Morrissey and others,

Offered by Sens. Bongartz and Plunkett,

H.C.R. 147.

House concurrent resolution commemorating the 250th anniversary of the establishment of the U.S. Navy.

Offered by Reps. LaLonde and others,

H.C.R. 148.

House concurrent resolution in memory of distinguished Vermont attorney Richard T. Cassidy of Burlington.

Offered by Reps. Morrissey and others,

Offered by Sens. Bongartz and Plunkett,

H.C.R. 149.

House concurrent resolution commemorating the 175th anniversary of the Bennington Fire Department.

Offered by Reps. Morrissey and others,

Offered by Sens. Bongartz and Plunkett,

H.C.R. 150.

House concurrent resolution congratulating Bennington Lodge No. 567 of the Benevolent and Protective Order of Elks on 125 years of community service and good fellowship.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, May 20, 2025, at ten o'clock in the forenoon pursuant to J.R.S. 26.