

**H. 788.** An act relating to technical corrections for the 2020 legislative session.

**H. 936.** An act relating to sexual exploitation of children.

**H. 943.** An act relating to approval of amendments to the charter of the City of St. Albans.

**H. 946.** An act relating to approval of the adoption of the charter of the Town of Elmore.

**H. 957.** An act relating to extending the deadline to test for lead in the drinking water of school buildings and child care facilities.

**H. 963.** An act relating to sunsets related to judiciary procedures.

The Governor has informed the House that on July 2, 2020, he approved and signed bills originating in the House of the following titles:

**H. 965.** An act relating to health care- and human services-related appropriations from the Coronavirus Relief Fund.

**H. 966.** An act relating to COVID-19 funding and assistance for broadband connectivity, housing, and economic relief.

The Governor has informed the House that on July 6, 2020, he approved and signed bills originating in the House of the following titles:

**H. 955.** An act relating to capital construction and State bonding budget adjustment.

**H. 960.** An act relating to miscellaneous health care provisions.

#### **Message from the House No. 67**

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

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on July 13, 2020, he approved and signed bills originating in the House of the following titles:

**H. 552.** An act relating to the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund.

**H. 572.** An act relating to the Maternal Mortality Review Panel.

**H. 716.** An act relating to Abenaki hunting and fishing licenses.

**H. 754.** An act relating to restructuring and reorganizing General Assembly staff offices.

**H. 837.** An act relating to enhanced life estate deeds.

**H. 956.** An act relating to miscellaneous amendments to alcoholic beverage laws.

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**TUESDAY, AUGUST 25, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Pledge of Allegiance**

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

**Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey. J. Parent
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman

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Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

**Joint Senate Resolution Adopted on the Part of the Senate**

**J.R.S. 60.**

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

By Senator Ashe,

**J.R.S. 60.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Thursday, August 27, 2020, or, Friday, August 28, 2020, it be to meet again no later than Tuesday, September 1, 2020.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, August 26, 2020.

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**WEDNESDAY, AUGUST 26, 2020**

Pursuant to Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the time for convening of the Senate having been set at 1:00 P.M., the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

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**Adjournment**

At 1:15 P.M. in the afternoon and no quorum of the Senate having assembled, pursuant to Rule 9 of the Senate Rules, the Senate adjourned until 1:00 o'clock in the afternoon on Thursday, August 27, 2020.

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**THURSDAY, AUGUST 27, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey J. Parent
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik

Windham District

Senator Rebecca A. Balint  
Senator Jeanette K. White

Windsor District

Senator Alison Clarkson  
Senator Richard J. McCormack  
Senator Alice W. Nitka

**Joint Senate Resolution Committed**

**J.R.S. 45.**

Joint Senate Resolution entitled:

Joint resolution urging Congress to reassess the federal definition of hemp in order to allow the product to contain up to one percent delta-9 tetrahydrocannabinol (THC).

Was taken up.

Thereupon, pending the reading of the report of the Committee on Agriculture, on motion of Senator Ashe, the joint resolution was committed to the Committee on Agriculture.

**Bill Recommended**

**S. 218.**

Senate bill entitled:

An act relating to the Department of Mental Health's Ten-Year Plan.

Was taken up.

Thereupon, pending the reading of the report of the Committee on Health and Welfare, on motion of Senator Ashe, the bill was recommitted to the Committee on Health and Welfare.

**Bill Recommended**

**S. 241.**

Senate bill entitled:

An act relating to motor vehicle manufacturers that sell directly to consumers.

Was taken up.

Thereupon, pending the reading of the report of the Committee on Transportation, on motion of Senator Ashe, the bill was recommitted to the Committee on Transportation.

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**Bill Recommended****S. 265.**

Senate bill entitled:

An act relating to the use of food residuals for farming.

Was taken up.

Thereupon, pending the reading of the report of the Committee on Agriculture, on motion of Senator Ashe, the bill was recommitted to the Committee on Agriculture.

**Bill Recommended****S. 285.**

Senate bill entitled:

An act relating to the State House Artwork and Portrait Project Committee.

Was taken up.

Thereupon, pending the reading of the report of the Committee on Institutions, on motion of Senator Ashe, the bill was recommitted to the Committee on Institutions.

**Message from the House No. 68**

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

Mr. President:

I am directed to inform the Senate that:

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

**J.R.S. 60.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

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**FRIDAY, AUGUST 28, 2020**

Pursuant to Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the time for convening of the Senate having been

set at 11:30 A.M., the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

### **Devotional Exercises**

A moment of silence was observed in lieu of devotions.

### **Adjournment**

At 11:45 A.M. in the forenoon and no quorum of the Senate having assembled, pursuant to Rule 9 of the Senate Rules, the Senate adjourned until nine o'clock and thirty minutes in the forenoon on Tuesday, September 1, 2020, pursuant to J.R.S. 60.

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## **TUESDAY, SEPTEMBER 1, 2020**

The Senate was called to order by the President.

### **Devotional Exercises**

A moment of silence was observed in lieu of devotions.

### **Pledge of Allegiance**

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

### **Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey J. Parent

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Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

**Message from the House No. 69**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 967.** An act relating to the provision of child care at family child care homes during remote learning days.

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

**Joint Senate Resolution Adopted on the Part of the Senate**

**J.R.S. 61.**

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

By Senator Ashe,

**J.R.S. 61.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Thursday, September 3, 2020, or, Friday, September 4, 2020, it be to meet again no later than Tuesday, September 8, 2020.



**Bill Referred**

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

**H. 967.**

An act relating to the provision of child care at family child care homes during remote learning days.

To the Committee on Health and Welfare.

**Proposal of Amendment; Third Reading Ordered****H. 578.**

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

An act relating to operator's license and privilege to operate suspensions and proof of financial responsibility.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: By striking out all three reader assistance headings in their entirety

Second: By striking out Sec. 1, 4 V.S.A. § 1109(c)(4), in its entirety and inserting a new Sec. 1 to read as follows:

Sec. 1. [Deleted.]

Third: In Sec. 4, waiver of proof of financial responsibility, in subsection (a), by striking out the date "January 1, 2021" and inserting in lieu thereof April 1, 2021 and, in subsection (b), by striking out the date "January 1, 2021" and inserting in lieu thereof April 1, 2021

Fourth: In Sec. 5, effective date, by striking out the date "July 1, 2020" and inserting in lieu thereof January 1, 2021

And that after passage the title of the bill be amended to read:

An act relating to proof of financial responsibility.

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

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

**Proposal of Amendment; Third Reading Ordered****H. 663.**

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

An act relating to expanding access to contraceptives.

Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 11, effective dates, and its reader assistance in their entireties and inserting in lieu thereof the following:

\* \* \* School Wellness \* \* \*

Sec. 11. 16 V.S.A. § 136 is amended to read:

§ 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS  
AND COMPREHENSIVE HEALTH

(a) As used in this section:

\* \* \*

(5) “Wellness program” means a program that includes comprehensive health education as defined in section 131 of this title, fitness, and nutrition.

(b) The Secretary ~~with the approval of the State Board~~ shall establish an Advisory Council on Wellness and Comprehensive Health that shall include at least three members ~~associated with the health services field~~ with expertise in health services, health education, or health policy. The members shall serve ~~without compensation but shall receive their actual expenses incurred in connection with their duties relating to wellness and comprehensive health programs.~~ The Council shall assist the Agency to plan, coordinate, and encourage wellness and comprehensive health programs in the public schools and shall meet not less than twice a year.

(c) The Secretary shall collaborate with other officials, agencies, and councils working on childhood wellness, including the Director of Trauma Prevention and Resilience Development established in 33 V.S.A. § 3403 and the Substance Misuse Prevention Oversight and Advisory Council created in 18 V.S.A. § 4803, to:

(1) Supervise the preparation of appropriate ~~nutrition and fitness wellness program~~ wellness program curricula for use in the public schools, promote programs for the preparation of teachers to teach these curricula, and assist in the development of wellness programs.

\* \* \*

~~(5) Create a process for schools to share with the Department of Health any data collected about the height and weight of students in kindergarten through grade six. The Commissioner of Health may report any data compiled under this subdivision on a countywide basis. Any reporting of data must protect the privacy of individual students and the identity of participating schools.~~

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## Sec. 12. SCHOOL WELLNESS POLICY

On or before January 15, 2021, the Agency of Education, in collaboration with the Advisory Council on Wellness and Comprehensive Health created under 16 V.S.A. § 136, shall update and distribute to school districts a model wellness program policy, using the expanded definition of “wellness program” under 16 V.S.A. § 136, as amended by this act, that shall:

(1) be in compliance with all relevant State and federal laws; and

(2) reflect nationally accepted best practices for comprehensive health education and school wellness policies, such as guidance from the Centers for Disease Control and Prevention’s Whole School, Whole Community, Whole Child Model.

\* \* \* Menstrual Hygiene Products \* \* \*

Sec. 13. 16 V.S.A. § 1432 is added to read:

### § 1432. MENSTRUAL HYGIENE PRODUCTS

(a) By enacting this statute, the General Assembly intends to ensure that a female student attending a public school or an approved independent school has access to menstrual hygiene products at no cost and without the embarrassment of having to request them.

(b) A school district and an approved independent school shall make menstrual hygiene products available at no cost in a majority of gender-neutral bathrooms and bathrooms designated for females that are generally used by females in any of grades five through 12 in each school within the district or under the jurisdiction of the board of the independent school. The school district or independent school, in consultation with the school nurse who provides services to the school, shall determine which of the gender-neutral bathrooms and bathrooms designated for females to stock with menstrual hygiene products and which brands to use.

(c) School districts and approved independent schools shall bear the cost of supplying menstrual hygiene products and may seek grants or partner with a nonprofit or community-based organization to fulfill this obligation.

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

Sec. 14. EFFECTIVE DATES

(a) Secs. 2 (8 V.S.A. § 4099c), 7 (26 V.S.A. § 2022), and 8 (26 V.S.A. § 2023) shall take effect on January 1, 2021.

(b) Sec. 13 (16 V.S.A. § 1432) shall take effect on November 1, 2020, and school districts and approved independent schools shall comply with the requirements of that section for the 2021–2022 school year and thereafter.

(c) The remainder of this act shall take effect on November 1, 2020.

And that after passage the title of the bill be amended to read:

An act relating to contraceptives, school wellness, and menstrual hygiene products.

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.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, September 2, 2020.

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**WEDNESDAY, SEPTEMBER 2, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel

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Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

**Bill Passed in Concurrence with Proposals of Amendment**

**H. 578.**

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

An act relating to operator's license and privilege to operate suspensions and proof of financial responsibility.

**Bill Passed in Concurrence with Proposal of Amendment**

**H. 663.**

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

An act relating to expanding access to contraceptives.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, September 3, 2020.

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**THURSDAY, SEPTEMBER 3, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey J. Parent
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White

Windsor District

Senator Alison Clarkson  
Senator Richard J. McCormack  
Senator Alice W. Nitka**Message from the House No. 70**

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

Mr. President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

**S. 233.** An act relating to uniform licensing standards.

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

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

**J.R.S. 61.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

**Committee Relieved of Further Consideration; Bill Committed****H. 926.**

On motion of Senator Cummings, the Committee on Finance was relieved of further consideration of House bill entitled:

An act relating to changes to Act 250,

and the bill was committed to the Committee on Natural Resources and Energy.

**Committee Bills Introduced**

Senate committee bills of the following titles were severally introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

**S. 352.**

By the Committee on Appropriations,

An act relating to making certain amendments to the Front-Line Employees Hazard Pay Grant Program.

**S. 353.**

By the Committee on Appropriations,

An act relating to expanding the Front-Line Employees Hazard Pay Grant Program.

**Bill Amended; Third Reading Ordered****S. 254.**

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

An act relating to union organizing.

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

\* \* \* Bargaining Unit Contact Information \* \* \*

Sec. 1. 3 V.S.A. § 941 is amended to read:

§ 941. UNIT DETERMINATION, CERTIFICATION, AND REPRESENTATION

\* \* \*

(c) A petition may be filed with the Board, in accordance with procedures prescribed by the Board:

(1) By an employee or group of employees, or any individual or employee organization purporting to act in their behalf, alleging by filing a petition or petitions bearing signatures of not less than 30 percent of the employees, that they wish to form a bargaining unit and be represented for collective bargaining, or that the individual or employee organization currently certified as bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit, or that they are now included in an approved bargaining unit and wish to form a separate bargaining unit under Board criteria for purposes of collective bargaining.

(2)(A)(i) An employee or group of employees, or any individual or employee organization purporting to act in their behalf, that is seeking to determine interest in the formation of a bargaining unit or representation for collective bargaining may petition the employer and the Board for a list of the employees in the proposed bargaining unit.

(ii) An employee or group of employees, or any person purporting to act on their behalf, that is seeking to demonstrate that the individual or employee organization currently certified as bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit shall



not be entitled to obtain a list of the employees in the proposed bargaining unit pursuant to this subdivision (c)(2).

(B) Within two business days after receiving the petition, the employer shall file with the Board and the employee or group of employees, or the individual or employee organization purporting to act in their behalf, a list of the names and job titles of the employees in the proposed bargaining unit. To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(d)(1) The Board, a Board member thereof, or a person or persons designated by the Board shall investigate the petition, and do one of the following:

(A) Determine that a sufficient showing of interest has been made by the petition.

~~(1)(B)(i) If~~ If it finds reasonable cause to believe that a question of unit determination or representation exists, ~~an appropriate hearing shall be scheduled before the Board upon due notice~~ the Board shall schedule a hearing to be held before the Board not more than eight days after the petition was filed with the Board unless:

(I) the parties named in the petition mutually agree to extend the time for the hearing; or

(II) the Board determines that the time for the hearing must be extended due to an insufficient number of Board members being available to hold a hearing or the Executive Director of the Board is unavailable due to leave.

~~(ii)(I) Once scheduled, the date of the hearing shall not be subject to change except for good cause as determined by the Board. Upon request, the results of the investigation shall be made available by the Board to the petitioners and all intervenors, if any, including the duly certified bargaining representative prior to giving notice of hearing. Written notice of the hearing shall be mailed by certified mail to the parties named in the petition not less than seven calendar days before the hearing.~~

(II) The time for a hearing shall not be extended pursuant to subdivisions (d)(1)(B)(i)(I) or (II) of this section for more than an additional 30 days.

(iii) Hearing procedure and notification of the results of ~~same~~ the hearing shall be in accordance with rules ~~prescribed~~ adopted by the Board, or except that the parties shall not be permitted to submit briefs to the Board after the conclusion of the hearing unless the parties mutually agree to do so and the

Board consents.

(iv) The Board shall issue its decision not more than two business days after the hearing or 10 days after the petition was submitted, whichever is later.

(2)(C) dismiss the petition, based upon the If the Board finds an absence of substantive evidence, it shall dismiss the petition.

(2) Upon request, the results of the investigation shall be made available by the Board to the petitioners and all intervenors, if any, including the duly certified bargaining representative as soon as practicable after the investigation is completed.

(e)(1)(A) Whenever, as a result of a petition and an appropriate or hearing, the Board finds substantial interest among employees in forming a bargaining unit or being represent for purposes of collective bargaining, a secret ballot election shall be conducted by the Board to be taken in such manner as to show not more than 21 days after the petition is filed with the Board.

(B) The time to conduct the election may be extended by:

(i) mutual agreement of the parties; or

(ii) the Board due to a lack of staff available to conduct the election or other circumstances that make it impracticable for the Board to conduct the election within 21 days after the petition is filed.

(C) The Board shall not hold a hearing to resolve any disputes related to the membership of the bargaining unit until after the election unless the parties mutually agree to extend the time for the election for the purpose of resolving those issues.

(2) The election shall be conducted so that it shows separately the wishes of the employees in the voting group involved as to the determination of the collective bargaining unit, including the right not to be organized. In order for a The collective bargaining unit to or collective bargaining representative shall be recognized and certified by the Board, there must be upon a majority vote cast by those of the employees voting.

(3)(A) Unless the employer and labor organization agree to a longer period, the employer shall file with the Board and the labor organization that will be named on the ballot a list of the employees in the bargaining unit within two business days after:

(i) the Board determines that substantial interest exists and a secret ballot election shall be conducted; or

(ii) the parties stipulate to the composition of the bargaining unit.

(B) The list shall include, as appropriate, each employee's name, work location, shift, job classification, and contact information. As used in this subdivision (2), "contact information" includes an employee's home address, personal e-mail address, and home and personal cellular telephone numbers.

(C) To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(D) The list shall be kept confidential by the employer and the labor organization and shall be exempt from copying and inspection under the Public Records Act.

(E) Failure to file the list within the time required pursuant to subdivision (A) of this subdivision (2) shall be grounds for the Board to set aside the results of the election if an objection is filed within the time required pursuant to the Board's rules.

\* \* \*

(g)(1) In determining the representation of State employees in a collective bargaining unit, the Board shall conduct a secret ballot of the employees not more than 21 days after the petition is filed with the Board, unless the time to conduct the election is extended pursuant to subdivision (e)(1)(B) of this section, and certify the results to the interested parties and to the State employer. The original ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. No representative will be certified with less than a majority of the votes cast.

\* \* \*

Sec. 2. 16 V.S.A. § 1992 is amended to read:

§ 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

(a)(1) An organization purporting to represent a majority of all of the teachers or administrators employed by the school board may be recognized by the school board without the necessity of a referendum upon the submission of a petition bearing the valid signatures of a majority of the teachers or administrators employed by that school board. Within 15 days after receiving the petition the school board shall notify the teachers or administrators of the school district in writing of its intention to either require or waive a secret ballot referendum. If the school board gives notice of its intention to waive a referendum and recognize an organization, 10 percent of the teachers or administrators employed by the school board may submit a petition within 15 days thereafter, objecting to the granting ~~of~~ of recognition without a referendum, in which event a secret ballot referendum shall be held in the

district for the purpose of choosing an exclusive representative according to the guidelines for referendum contained in this legislation as provided pursuant to the provisions of this section.

(2)(A)(i) An organization seeking to represent the teachers or administrators employed by a school board may petition the school board and the Vermont Labor Relations Board for a list of the teachers or administrators in the proposed bargaining unit.

(ii) An organization or group of teachers or administrators, or any person purporting to act on their behalf, that is seeking to demonstrate that the teachers' or administrators' organization that is currently the exclusive representative of the teachers or administrators is no longer supported by a majority of the teachers or administrators employed by that school board shall not be entitled to obtain a list of the employees in the proposed bargaining unit pursuant to this subdivision (a)(2).

(B) Within two business days after receiving the petition, the school board shall file with the Vermont Labor Relations Board and the organization a list of the names and job titles of the teachers or administrators in the proposed bargaining unit. To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

\* \* \*

(c)(1)(A) A secret ballot referendum shall be held any time that not more than 21 days after 20 percent of the teachers or administrators employed by the school board present a petition requesting a referendum on the matter of representation, except during a period of prior recognition, as hereinbefore provided pursuant to subsection (b) of this section.

(B) The parties may mutually agree to extend the time to hold the election set forth in subdivision (A) of this subdivision (1).

(C) Any organization interested in representing teachers or administrators in the school district shall have the right to appear on the ballot by submitting a petition supported by ten percent or more of the teachers or administrators in the school district.

(2)(A) Unless the school board and the organization agree to a longer period, within two business days after the petition is presented, the school board shall file with the organization that will be named on the ballot a list of the teachers or administrators in the bargaining unit.

(B) The list shall include, as appropriate, each teacher's or administrator's name, work location, job classification, and contact information. As used in this subdivision (2), "contact information" includes a

teacher's or administrator's home address, personal e-mail address, and home and personal cellular telephone numbers.

(C) To the extent possible, the list of teachers or administrators shall be in alphabetical order by last name and provided in electronic format.

(D) The list shall be kept confidential by the school board and the organization and shall be exempt from copying and inspection under the Public Records Act.

(E) Failure to file the list within the time required pursuant to subdivision (A) of this subdivision (2) shall be an unfair labor practice and grounds for the Vermont Labor Relations Board to set aside the results of the referendum if an unfair labor practice charge is filed not more than 10 business days after the referendum.

\* \* \*

Sec. 3. 21 V.S.A. § 1724 is amended to read:

§ 1724. CERTIFICATION PROCEDURE

(a)(1) A petition may be filed with the Board, in accordance with regulations prescribed rules adopted by the Board:

(1)(A) By an employee or group of employees, or any individual or employee organization purporting to act in their behalf, alleging that not less than 30 percent of the employees, wish to form a bargaining unit and be represented for collective bargaining, or assert that the individual or employee organization currently certified as bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit, or that not less than 51 percent of the employees now included in an approved bargaining unit wish to form a separate bargaining unit under Board criteria for purposes of collective bargaining.

(2)(B) By the employer alleging that the presently certified bargaining unit is no longer appropriate under Board criteria.

(2)(A)(i) An employee or group of employees, or any individual or employee organization purporting to act in their behalf, that is seeking to determine interest in the formation of a bargaining unit or representation for collective bargaining may petition the employer and the Board for a list of the employees in the proposed bargaining unit.

(ii) An employee or group of employees, or any person purporting to act on their behalf, that is seeking to demonstrate that the individual or employee organization currently certified as bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit shall

not be entitled to obtain a list of the employees in the proposed bargaining unit pursuant to this subdivision (a)(2).

(B) Within two business days after receiving the petition, the employer shall file with the Board and the employee or group of employees, or the individual or employee organization purporting to act in their behalf, a list of the names and job titles of the employees in the proposed bargaining unit. To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(b)(1) The Board, a Board member thereof, or a person or persons designated by the Board shall investigate the petition, and do one of the following:

(A) Determine that a sufficient showing of interest has been made by the petition.

~~(1)(B)(i) If it finds reasonable cause to believe that a question of unit determination or representation exists, an appropriate hearing shall be scheduled before the Board upon due notice. Written notice of the hearing shall be mailed by certified mail to the parties named in the petition not less than 14 calendar days before the hearing.~~ the Board shall schedule a hearing to be held before the Board not more than eight days after the petition was filed with the Board unless:

(I) the parties named in the petition mutually agree to extend the time for the hearing; or

(II) the Board determines that the time for the hearing must be extended due to an insufficient number of Board members being available to hold a hearing or the Executive Director of the Board is unavailable due to leave.

(ii)(I) Once scheduled, the date of the hearing shall not be subject to change except for good cause as determined by the Board.

(II) The time for a hearing shall not be extended pursuant to subdivisions (d)(1)(B)(i)(I) or (II) of this section for more than an additional 30 days.

(iii) Hearing procedure and notification of the results thereof of the hearing shall be in accordance with rules prescribed adopted by the Board or, except that the parties shall not be permitted to submit briefs to the Board after the conclusion of the hearing unless the parties mutually agree to do so and the Board consents.

(iv) The Board shall issue its decision not more than two business days after the hearing or 10 days after the petition was submitted, whichever is

later.

~~(2)(C) dismiss the petition, based upon the~~ If the Board finds an absence of substantive evidence it shall dismiss the petition.

(2) Upon request, the results of the investigation shall be made available by the Board to the petitioners and all intervenors, if any, including the duly certified bargaining representative as soon as practicable after the investigation is completed.

\* \* \*

(e)(1)(A) In determining the representation of municipal employees in a collective bargaining unit, the Board shall conduct a an election by secret ballot of the employees and certify the results to the interested parties and to the employer. The election shall be held not more than 21 days after the petition is filed with the Board.

(B) The time to conduct the election may be extended by:

(i) mutual agreement of the parties; or

(ii) the Board due to a lack of staff available to conduct the election or other circumstances that make it impracticable for the Board to conduct the election within 21 days after the petition is filed.

(C) The Board shall not hold a hearing to resolve any disputes related to the membership of the bargaining unit until after the election unless the parties mutually agree to extend the time for the election for the purpose of resolving those issues.

~~(2) The original ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. No representative will be certified with less than a 51 percent affirmative vote of all votes cast. In the case where~~ If it is asserted that the certified bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit and there is no attempt to seek the election of another employee organization or individual as bargaining representative, there shall be at least 51 percent negative vote of all votes cast to decertify the existing bargaining agent.

(A) Unless the employer and the individual or labor organization seeking to represent the bargaining unit agree to a longer period, the employer shall file with the Board and the individual or labor organization that will be named on the ballot a list of the employees in the bargaining unit within two business days after:

(i) the Board determines that substantial interest exists and a secret ballot election shall be conducted; or

(ii) the parties stipulate to the composition of the bargaining unit.

(B) The list shall include, as appropriate, each employee's name, work location, shift, job classification, and contact information. As used in this subdivision (2), "contact information" includes an employee's home address, personal e-mail address, and home and personal cellular telephone numbers.

(C) To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(D) The list shall be kept confidential by the employer and the individual or labor organization seeking to represent the bargaining unit and shall be exempt from copying and inspection under the Public Records Act.

(E) Failure to file the list within the time required pursuant to subdivision (A) of this subdivision (2) shall be grounds for the Board to set aside the results of the election if an objection is filed within the time required pursuant to the Board's rules.

\* \* \*

\* \* \* Automatic Membership Dues Deduction \* \* \*

Sec. 4. 3 V.S.A. § 903 is amended to read:

§ 903. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

\* \* \*

(e) Employees who are members of the employee organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an employee, the employer shall, as soon as practicable and in any event, no later than 30 calendar days after receiving the authorization, commence withholding from the employee's wages the amount of membership dues certified by the employee organization. The employer shall transmit the amount withheld to the employee organization on the same day as the employee is paid. Nothing in this subsection shall be construed to require a member of an employee organization to participate in automatic dues deduction.

Sec. 5. 3 V.S.A. § 1012 is amended to read:

§ 1012. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

\* \* \*

(e) Employees who are members of the employee organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an



employee, the employer shall, as soon as practicable and in any event, no later than 30 calendar days after receiving the authorization, commence withholding from the employee's wages the amount of membership dues certified by the employee organization. The employer shall transmit the amount withheld to the employee organization on the same day as the employee is paid. Nothing in this subsection shall be construed to require a member of an employee organization to participate in automatic dues deduction.

Sec. 6. 16 V.S.A. § 1982 is amended to read:

§ 1982. RIGHTS

\* \* \*

(f) A teacher or administrator who is a member of the teachers' or administrators' organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from a teacher or administrator, the school board shall, as soon as practicable and in any event, no later than 30 calendar days after receiving the authorization, commence withholding from the teacher's or administrator's wages the amount of membership dues certified by the teachers' or administrators' organization. The school board shall transmit the amount withheld to the teachers' or administrators' organization on the same day as the teacher or administrator is paid. Nothing in this subsection shall be construed to require a member of a teachers' or administrators' organization to participate in automatic dues deduction.

Sec. 7. 21 V.S.A. § 1645 is added to read:

§ 1645. AUTOMATIC MEMBERSHIP DUES DEDUCTION

Independent direct support providers who are members of the labor organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an independent direct support provider, the State shall, as soon as practicable and in any event, no later than 30 calendar days after receiving the authorization, commence withholding from the independent direct support provider's wages the amount of membership dues certified by the labor organization. The State shall transmit the amount withheld to the labor organization on the same day as the independent direct support provider is paid. Nothing in this section shall be construed to require a member of a labor organization to participate in automatic dues deduction.

Sec. 8. 21 V.S.A. § 1737 is added to read:

§ 1737. AUTOMATIC MEMBERSHIP DUES DEDUCTION

Employees who are members of the employee organization shall have the

right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an employee, the employer shall, as soon as practicable and in any event, no later than 30 calendar days after receiving the authorization, commence withholding from the employee's wages the amount of membership dues certified by the employee organization. The employer shall transmit the amount withheld to the employee organization on the same day as the employee is paid. Nothing in this section shall be construed to require a member of an employee organization to participate in automatic dues deduction.

Sec. 9. 33 V.S.A. § 3618 is added to read:

§ 3618. AUTOMATIC MEMBERSHIP DUES DEDUCTION

Early care and education providers who are members of the labor organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an early care and education provider, the State shall, as soon as practicable and in any event, no later than 30 calendar days after receiving the authorization, commence withholding from the subsidies paid to the early care and education provider the amount of membership dues certified by the labor organization. The State shall transmit the amount withheld to the labor organization on the same day as the subsidies are paid to the early care and education provider. Nothing in this section shall be construed to require a member of a labor organization to participate in automatic dues deduction.

\* \* \* Access to Employees in Bargaining Unit \* \* \*

Sec. 10. 3 V.S.A. § 909 is added to read:

§ 909. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

(a) An employer shall provide the employee organization that is the exclusive representative of the employees in a bargaining unit with an opportunity to meet with each newly hired employee in the bargaining unit to present information about the employee organization.

(b)(1) The meeting shall occur during the new employee's orientation or, if the employer does not conduct an orientation for newly hired employees, within 30 calendar days from the date on which the employee was hired.

(2) If the meeting is not held during the new employee's orientation, it shall be held during the new employee's regular work hours and at his or her regular worksite or a location mutually agreed to by the employer and the employee organization.

(3) The employee organization shall be permitted to meet with the employee for not less than 60 minutes.

(4) The employee shall be paid for attending the meeting at his or her regular rate of pay.

(c)(1) Within 10 days after hiring a new employee in a bargaining unit, the employer shall provide the employee organization with his or her name, job title, worksite location, work telephone number and e-mail address, home address, personal e-mail address, home and personal cellular telephone numbers, and date of hire.

(2) The employee's home address, personal e-mail address, and home and personal cellular telephone numbers shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

(d) The employer shall provide the employee organization with not less than 10 days' notice of an orientation for newly hired employees in a bargaining unit.

Sec. 11. 3 V.S.A. § 1022 is added to read:

§ 1022. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

(a) An employer shall provide the employee organization that is the exclusive representative of the employees in a bargaining unit with an opportunity to meet with each newly hired employee in the bargaining unit to present information about the employee organization.

(b)(1) The meeting shall occur during the new employee's orientation or, if the employer does not conduct an orientation for newly hired employees, within 30 calendar days from the date on which the employee was hired.

(2) If the meeting is not held during the new employee's orientation, it shall be held during the new employee's regular work hours and at his or her regular worksite or a location mutually agreed to by the employer and the employee organization.

(3) The employee organization shall be permitted to meet with the employee for not less than 60 minutes.

(4) The employee shall be paid for attending the meeting at his or her regular rate of pay.

(c)(1) Within 10 days after hiring a new employee in a bargaining unit, the employer shall provide the employee organization with his or her name, job title, worksite location, work telephone number and e-mail address, home address, personal e-mail address, home and personal cellular telephone numbers, and date of hire.

(2) The employee's home address, personal e-mail address, and home and personal cellular telephone numbers shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

(d) The employer shall provide the employee organization with not less than 10 days' notice of an orientation for newly hired employees in a bargaining unit.

Sec. 12. 16 V.S.A. 1984 is added to read:

§ 1984. ACCESS TO NEW TEACHERS OR ADMINISTRATORS IN BARGAINING UNIT

(a) A school board shall provide a teachers' or administrators' organization that is the exclusive representative of the teachers or administrators in a bargaining unit with an opportunity to meet with each newly hired teacher or administrator in the bargaining unit to present information about the teachers' or administrators' organization.

(b)(1) The meeting shall occur during the new teacher's or administrator's orientation or, if the school board does not conduct an orientation for newly hired teachers or administrators, within 30 calendar days from the date on which the teacher or administrator was hired.

(2) If the meeting is not held during the new teacher's or administrator's orientation, it shall be held during the new teacher's or administrator's regular work hours and at his or her regular worksite or a location mutually agreed to by the school board and the teacher's or administrator's organization.

(3) The employee organization shall be permitted to meet with the employee for not less than 60 minutes.

(4) The teacher or administrator shall be paid for attending the meeting at his or her regular rate of pay.

(c)(1) Within 10 days after hiring a new teacher or administrator, the school board shall provide the teacher's or administrator's organization, as appropriate, with his or her name, job title, worksite location, work telephone number and e-mail address, home address, personal e-mail address, home and personal cellular telephone numbers, and date of hire.

(2) The teacher's or administrator's home address, personal e-mail address, and home and personal cellular telephone numbers shall be kept confidential by the employer and the teacher's or administrator's organization and shall be exempt from copying and inspection under the Public Records Act.

(d) The school board shall provide the teacher's or administrator's organization with not less than 10 days' notice of an orientation for newly hired teachers or administrators in its bargaining unit.

Sec. 13. 21 V.S.A. § 1738 is added to read:

§ 1738. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

(a) An employer shall provide the employee organization that is the exclusive representative of the employees in a bargaining unit with an opportunity to meet with each newly hired employee in the bargaining unit to present information about the employee organization.

(b)(1) The meeting shall occur during the new employee's orientation or, if the employer does not conduct an orientation for newly hired employees, within 30 calendar days from the date on which the employee was hired.

(2) If the meeting is not held during the new employee's orientation, it shall be held during the new employee's regular work hours and at his or her regular worksite or a location mutually agreed to by the employer and the employee organization.

(3) The employee organization shall be permitted to meet with the employee for not less than 60 minutes.

(4) The employee shall be paid for attending the meeting at his or her regular rate of pay.

(c)(1) Within 10 days after hiring a new employee in a bargaining unit, the employer shall provide the employee organization with his or her name, job title, worksite location, work telephone number and e-mail address, home address, personal e-mail address, home and personal cellular telephone numbers, and date of hire.

(2) The employee's home address, personal e-mail address, and home and personal cellular telephone numbers shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

(d) The employer shall provide the employee organization with not less than 10 days' notice of an orientation for newly hired employees in a bargaining unit.

\* \* \* Effective Date \* \* \*

Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

And that when so amended the bill ought to pass.

Senator Hooker moved to substitute a recommendation of amendment for the recommendation of amendment of the Committee on Economic Development, Housing and General Affairs as follows:

\* \* \* Representation and Bargaining Unit Determinations \* \* \*

Sec. 1. 3 V.S.A. § 941 is amended to read:

§ 941. UNIT DETERMINATION, CERTIFICATION, AND REPRESENTATION

\* \* \*

(c)(1) A petition may be filed with the Board, in accordance with procedures prescribed by the Board:

(1) ~~By~~ by an employee or group of employees, or any individual or employee organization purporting to act ~~in~~ on their behalf, alleging by filing a petition or petitions bearing signatures of not less than 30 percent of the employees, that they wish to form a bargaining unit and be represented for collective bargaining, or that the individual or employee organization currently certified as the bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit, or that they are now included in an approved bargaining unit and wish to form a separate bargaining unit under Board criteria for purposes of collective bargaining. The employee, group of employees, individual, or employee organization that files the petition, shall, at the same time that the petition is filed with the Board, provide a copy of the petition to the employer and, if appropriate, the current bargaining agent.

(2)(A)(i) An employer shall, not more than four business days after receiving a copy of the petition, file any objections to the appropriateness of the proposed bargaining unit or raise any other unit determination issues with the Board and provide a copy of the filing to the employee, group of employees, individual, or employee organization that filed the petition.

(ii) A hearing shall be held before the Board pursuant to subdivision (d)(1)(B) of this section in the event the employer challenges the appropriateness of the proposed bargaining unit, provided that a hearing shall not be held if the parties stipulate to the composition of the appropriate bargaining unit before the hearing.

(iii) The Board may endeavor to informally mediate any dispute regarding the appropriateness of the proposed bargaining unit prior to the hearing.

(B)(i)(I) Within two business days after receiving a copy of the petition, the employer shall file with the Board and the employee or group of employees, or the individual or employee organization purporting to act on

their behalf, a list of the names and job titles of the employees in the proposed bargaining unit. To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(II) In the event that unforeseen circumstances make it impossible for the employer to provide the list within the time period set forth in subdivision (I) of this subdivision (c)(2)(B)(i), the Board may extend the time as needed to allow the employer to provide the list.

(ii) An employee or group of employees, or any person purporting to act on their behalf, that is seeking to demonstrate that the current bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit shall not be entitled to obtain a list of the employees in the bargaining unit from the employer pursuant to this subdivision (c)(2)(B), but may obtain a list pursuant to subdivision (e)(3) of this section after the Board has investigated its petition and determined that a secret ballot election shall be conducted.

(iii) The list shall be kept confidential and shall be exempt from copying and inspection under the Public Records Act.

(d) The Board, a Board member thereof, or a person or persons designated by the Board shall investigate the petition, and do one of the following:

(1) Determine that the petition has made a sufficient showing of interest pursuant to subdivision (c)(1) of this section.

(1)(2)(A) if If it finds reasonable cause to believe that a question of unit determination or representation exists, an appropriate hearing shall be scheduled before the Board upon due notice the Board shall schedule a hearing to be held before the Board not more than eight business days after the petition was filed with the Board unless:

(i) the parties named in the petition mutually agree to extend the time for the hearing; or

(ii) the Board determines that the time for the hearing must be extended because an insufficient number of Board members are available to hold a hearing or the Executive Director of the Board is unavailable due to leave.

(B)(i) Once scheduled, the date of the hearing shall not be subject to change except for good cause as determined by the Board. Upon request, the results of the investigation shall be made available by the Board to the petitioners and all intervenors, if any, including the duly certified bargaining representative prior to giving notice of hearing. Written notice of the hearing shall be mailed by certified mail to the parties named in the petition not less

~~than seven calendar days before the hearing.~~

(ii) The time for a hearing shall not be extended pursuant to subdivision (d)(2)(A)(i) or (ii) of this section for more than an additional 30 calendar days.

(C)(i) Except as otherwise provided pursuant to subdivision (ii) of this subdivision (d)(2)(C), the hearing shall be limited to the subject of whether the proposed bargaining unit is appropriate.

(ii) Questions of whether one or more employees should be included in or excluded from the bargaining unit shall not be addressed without the mutual agreement of the parties; provided, however, that the Board shall note any employees or positions as to whom a question exists so that those ballots may be separated from those of the other employees during the election. If the parties mutually agree to address whether certain employees should be included in or excluded from the bargaining unit, the date of the election shall be not more than 15 calendar days after the Board issues its decision on those questions.

(D) Hearing procedure and notification of the results of ~~same~~ the hearing shall be in accordance with rules ~~prescribed~~ adopted by the Board, ~~or~~ except that the parties shall not be permitted to submit briefs to the Board after the conclusion of the hearing unless the parties mutually agree to do so and the Board consents.

(E) Except in instances when the parties mutually agree to address whether certain employees should be included in or excluded from the bargaining unit pursuant to subdivision (2)(C) of this subsection (d) or if the parties mutually agree to submit posthearing briefs and the Board consents, the Board shall issue its decision as soon as practicable and, in any event, not more than five business days after the hearing.

(2)(3) ~~dismiss the petition, based upon the~~ If the Board finds an absence of substantive evidence, it shall dismiss the petition.

(e)(1)(A) Whenever, ~~as a result~~ on the basis of a petition ~~and an appropriate~~ pursuant to subdivision (d)(1) of this section or a hearing pursuant to subdivision (d)(2) of this section, the Board finds substantial interest among employees in forming a bargaining unit or being represented for purposes of collective bargaining, a secret ballot election shall be conducted by the Board ~~to be taken in such manner as to show~~ not more than 21 business days after the petition is filed with the Board except as otherwise provided pursuant to subdivision (d)(2)(C) of this section.

(B) The time to conduct the election may be extended by:



(i) mutual agreement of the parties; or

(ii) the Board due to a lack of staff available to conduct the election or other circumstances that make it impracticable for the Board to conduct the election within 21 business days after the petition is filed.

(2)(A) The Board shall separate the ballot for any employee for whom a question exists as to whether the employee should be included in or excluded from the bargaining unit. The separated ballots shall only be counted by the Board if it subsequently determines that those employees or positions are an appropriate part of the bargaining unit and that those ballots may affect the results of the election.

(B) The election shall be conducted so that it shows separately the wishes of the employees in the voting group involved as to the determination of the collective bargaining unit, including the right not to be organized. In order for a The collective bargaining unit to or collective bargaining representative shall be recognized and certified by the Board, there must be upon a majority vote cast by those of the employees voting.

(C) The Board shall, if necessary, hold a hearing not more than 30 calendar days after the election to determine any outstanding questions as to whether certain employees should be included in or excluded from the bargaining unit.

(3)(A)(i) Unless the employer and labor organization agree to a longer period, the employer shall file with the Board; any labor organization that will be named on the ballot; and, if appropriate, the employee or group of employees, or the individual or employee organization acting on their behalf, that is seeking to show that the bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit a list of the employees in the bargaining unit within two business days after the Board determines that a secret ballot election shall be conducted.

(ii) In the absence of a mutual agreement to extend the time period set forth in subdivision (i) of this subdivision (e)(3)(A), if unforeseen circumstances make it impossible for the employer to provide the list within the time period set forth in subdivision (i) of this subdivision (e)(3)(A), the Board may extend the time as needed to allow the employer to provide the list.

(B) The list shall include, as appropriate, each employee's name, work location, shift, job classification, and contact information. As used in this subdivision (3), "contact information" includes an employee's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the employer is in possession of such information.

(C) To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(D) The list shall be:

(i) kept confidential by the Board and all of the parties; and

(ii) shall be exempt from copying and inspection under the Public Records Act.

(E) Failure to file the list within the time required pursuant to subdivision (A) of this subdivision (3) may be grounds for the Board to set aside the results of the election if an objection is filed within the time required pursuant to the Board's rules.

\* \* \*

(g)(1) In determining the representation of State employees in a collective bargaining unit, the Board shall conduct a secret ballot of the employees within the time period set forth in subdivision (e)(1)(A) of this section, unless the time to conduct the election is extended pursuant to subdivision (e)(1)(B) of this section, and certify the results to the interested parties and to the State employer. The original ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. No representative will be certified with less than a majority of the votes cast by employees in the bargaining unit.

\* \* \*

Sec. 2. 16 V.S.A. § 1992 is amended to read:

#### § 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

(a)(1) An organization purporting to represent a majority of all of the teachers or administrators employed by the school board may be recognized by the school board without the necessity of a referendum upon the submission of a petition bearing the valid signatures of a majority of the teachers or administrators employed by that school board. Within 15 calendar days after receiving the petition the school board shall notify the teachers or administrators of the school district in writing of its intention to either require or waive a secret ballot referendum. If the school board gives notice of its intention to waive a referendum and recognize an organization, 10 percent of the teachers or administrators employed by the school board may submit a petition within 15 calendar days thereafter, objecting to the granting of recognition without a referendum, in which event a secret ballot referendum shall be held in the district for the purpose of choosing an exclusive representative according to the guidelines for referendum contained in this legislation as provided pursuant to the provisions of this section.

(2)(A)(i) An organization seeking to represent the teachers or administrators employed by a school board may petition the school board for a list of the teachers or administrators in the proposed bargaining unit.

(ii) An organization or group of teachers or administrators, or any person purporting to act on their behalf, that is seeking to demonstrate that the current exclusive representative of the teachers or administrators is no longer supported by a majority of the teachers or administrators employed by that school board shall not be entitled to obtain a list of the employees in the bargaining unit pursuant to this subdivision (a)(2).

(B) Unless the parties agree to a longer period, within two business days after receiving the petition, the school board shall file with the organization a list of the names and job titles of the teachers or administrators in the proposed bargaining unit. To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

\* \* \*

(c)(1)(A) A secret ballot referendum shall be held any time that not more than 21 calendar days after 20 percent of the teachers or administrators employed by the school board present a petition requesting a referendum on the matter of representation, except during a period of prior recognition, as hereinbefore provided pursuant to subsection (b) of this section.

(B) The parties may mutually agree to extend the time to hold the election set forth in subdivision (A) of this subdivision (1).

(C) Any organization interested in representing teachers or administrators in the school district shall have the right to appear on the ballot by submitting a petition supported by ten percent or more of the teachers or administrators in the school district.

(2)(A) Unless the school board and the organization agree to a longer period, within two business days after the petition is presented, the school board shall file with the organization that will be named on the ballot a list of the teachers or administrators in the bargaining unit.

(B) The list shall include, as appropriate, each teacher's or administrator's name, work location, job classification, and contact information. As used in this subdivision (2), "contact information" includes a teacher's or administrator's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the school board is in possession of such information.

(C) To the extent possible, the list of teachers or administrators shall be in alphabetical order by last name and provided in electronic format.

(D) The list shall be kept confidential by the school board and the organization and shall be exempt from copying and inspection under the Public Records Act.

(E) Failure to file the list within the time required pursuant to subdivision (A) of this subdivision (2) shall be an unfair labor practice and may be grounds for the Vermont Labor Relations Board to set aside the results of the referendum if an unfair labor practice charge is filed not more than 10 business days after the referendum.

\* \* \*

Sec. 3. 21 V.S.A. § 1724 is amended to read:

§ 1724. CERTIFICATION PROCEDURE

(a)(1) A petition may be filed with the Board, in accordance with regulations prescribed rules adopted by the Board:

(1)(A) By an employee or group of employees, or any individual or employee organization purporting to act ~~in~~ on their behalf, alleging that not less than 30 percent of the employees, wish to form a bargaining unit and be represented for collective bargaining, or assert that the individual or employee organization currently certified as bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit, or that not less than 51 percent of the employees now included in an approved bargaining unit wish to form a separate bargaining unit under Board criteria for purposes of collective bargaining. The employee, group of employees, individual, or employee organization that files the petition shall, at the same time that the petition is filed with the Board, provide a copy of the petition to the employer and, if appropriate, the current bargaining agent.

(2)(B) By the employer alleging that the presently certified bargaining unit is no longer appropriate under Board criteria. The employer shall provide a copy of the petition to the current bargaining agent at the same time that the petition is filed with the Board.

(2)(A)(i) An employer shall, not more than four business days after receiving a copy of the petition, file any objections to the appropriateness of the proposed bargaining unit or raise any other unit determination issues with the Board and provide a copy of the filing to the employee, group of employees, individual, or employee organization that filed the petition.

(ii) A hearing shall be held before the Board pursuant to subdivision (d)(1)(B) of this section in the event the employer challenges the appropriateness of the proposed bargaining unit, provided that a hearing shall not be held if the parties stipulate to the composition of the appropriate

bargaining unit before the hearing.

(iii) The Board may endeavor to informally mediate any dispute regarding the appropriateness of the proposed bargaining unit prior to the hearing.

(B)(i) Within two business days after receiving a copy of the petition, the employer shall file with the Board and the employee or group of employees, or the individual or employee organization purporting to act on their behalf, a list of the names and job titles of the employees in the proposed bargaining unit. To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(ii) The Board may extend the time to provide the list to four business days if the employer shows that providing the list within the time period set forth in subdivision (i) of this subdivision (a)(2)(B) would constitute a demonstrable hardship. If unforeseen circumstances make it impossible for the employer to provide the list within four business days, the Board may provide an additional extension as needed to allow the employer to provide the list.

(iii) An employee or group of employees, or any person purporting to act on their behalf, that is seeking to demonstrate that the current bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit shall not be entitled to obtain a list of the employees in the bargaining unit from the employer pursuant to this subdivision (a)(2)(B), but may obtain a list pursuant to subdivision (e)(3) of this section after the Board has investigated its petition and determined that a secret ballot election shall be conducted.

(iv) The list shall be kept confidential and shall be exempt from copying and inspection under the Public Records Act.

(b) The Board, a Board member thereof, or a person or persons designated by the Board shall investigate the petition, and do one of the following:

(1) Determine that the petition has made a sufficient showing of interest pursuant to subdivision (a)(1)(A) of this section.

~~(1)(2)(A) if~~ If it finds reasonable cause to believe that a question of unit determination or representation exists, an appropriate hearing shall be scheduled before the Board upon due notice. Written notice of the hearing shall be mailed by certified mail to the parties named in the petition not less than 14 calendar days before the hearing. the Board shall schedule a hearing to be held before the Board not more than eight business days after the petition was filed with the Board unless:

(i) the parties named in the petition mutually agree to extend the time for the hearing; or

(ii) the Board determines that the time for the hearing must be extended because an insufficient number of Board members are available to hold a hearing or the Executive Director of the Board is unavailable due to leave.

(B)(i) Once scheduled, the date of the hearing shall not be subject to change except for good cause as determined by the Board.

(ii) The time for a hearing shall not be extended pursuant to subdivision (b)(2)(A)(i) or (ii) of this section for more than an additional 30 calendar days.

(C)(i) Except as otherwise provided pursuant to subdivision (ii) of this subdivision (b)(2)(C), the hearing shall be limited to the subject of whether the proposed bargaining unit is appropriate.

(ii) Questions regarding whether certain employees should be included in or excluded from the bargaining unit shall not be addressed without the mutual agreement of the parties; provided, however, that the Board shall note any employees or positions as to whom a question exists so that those ballots may be separated from those of the other employees during the election. If the parties mutually agree to address whether certain employees should be included in or excluded from the bargaining unit, the date of the election shall be not more than 15 calendar days after the Board issues its decision on those questions.

(D) Hearing procedure and notification of the results thereof of the hearing shall be in accordance with rules prescribed adopted by the Board or, except that the parties shall not be permitted to submit briefs to the Board after the conclusion of the hearing unless the parties mutually agree to do so and the Board consents.

(E) Except as otherwise provided pursuant to subdivision (2)(C) of this subsection (b) or if the parties mutually agree to submit posthearing briefs and the Board consents, the Board shall issue its decision as soon as practicable and, in any event, not more than five business days after the hearing.

(2)(3) dismiss the petition, based upon the If the Board finds an absence of substantive evidence it shall dismiss the petition.

\* \* \*

(e)(1)(A) In determining the representation of municipal employees in a collective bargaining unit, the Board shall conduct a an election by secret

ballot of the employees and certify the results to the interested parties and to the employer. The election shall be held not more than 21 business days after the petition is filed with the Board except as otherwise provided pursuant to subdivision (b)(2)(C) of this section.

(B) The time to conduct the election may be extended by:

(i) mutual agreement of the parties; or

(ii) the Board due to a lack of staff available to conduct the election or other circumstances that make it impracticable for the Board to conduct the election within 21 business days after the petition is filed.

(2)(A) The original ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. No representative will be certified with less than a 51 percent affirmative vote of all votes cast. In the case where If it is asserted that the certified bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit and there is no attempt to seek the election of another employee organization or individual as bargaining representative, there shall be at least 51 percent negative vote of all votes cast to decertify the existing bargaining agent.

(B) The Board shall separate the ballot for any employee for whom a question exists as to whether the employee should be included in or excluded from the bargaining unit. The separated ballots shall only be counted by the Board if it subsequently determines that those employees or positions are an appropriate part of the bargaining unit and that those ballots may affect the results of the election.

(C) The Board shall, if necessary, hold a hearing not more than 30 calendar days after the election to determine any outstanding questions as to whether certain employees should be included in or excluded from the bargaining unit.

(3)(A)(i) Unless the employer and labor organization agree to a longer period, or the Board orders a longer period pursuant to subdivision (ii) of this subdivision (e)(3)(A), the employer shall file with the Board; any labor organization that will be named on the ballot; and, if appropriate, the employee or group of employees, or the individual or employee organization acting on their behalf, that is seeking to show that the bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit a list of the employees in the bargaining unit within two business days after the Board determines that a secret ballot election shall be conducted.

(ii) In the absence of a mutual agreement to extend the time period set forth in subdivision (i) of this subdivision (e)(3)(A), the Board may extend the time to provide the list to four business days if the employer shows

that providing the list within the time period set forth in subdivision (i) of this subdivision (e)(3)(A) would constitute a demonstrable hardship. If unforeseen circumstances make it impossible for the employer to provide the list within four business days, the Board may provide an additional extension as needed to allow the employer to provide the list.

(B) The list shall include, as appropriate, each employee's name, work location, shift, job classification, and contact information. As used in this subdivision (3), "contact information" includes an employee's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the employer is in possession of such information.

(C) To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(D) The list shall be:

(i) kept confidential by the Board and all of the parties; and

(ii) shall be exempt from copying and inspection under the Public Records Act.

(E) Failure to file the list within the time required pursuant to subdivision (A) of this subdivision (3) may be grounds for the Board to set aside the results of the election if an objection is filed within the time required pursuant to the Board's rules.

\* \* \*

\* \* \* Automatic Membership Dues Deduction \* \* \*

Sec. 4. 3 V.S.A. § 903 is amended to read:

§ 903. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

\* \* \*

(e) Employees who are members of the employee organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an employee, the employer shall, as soon as practicable and in any event, not later than 30 calendar days after receiving the authorization, commence withholding from the employee's wages the amount of membership dues certified by the employee organization. The employer shall transmit the amount withheld to the employee organization on the same day as the employee is paid. Nothing in this subsection shall be construed to require a member of an employee organization to participate in automatic dues deduction.



Sec. 5. 3 V.S.A. § 1012 is amended to read:

§ 1012. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

\* \* \*

(e) Employees who are members of the employee organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an employee, the employer shall, as soon as practicable and in any event, not later than 30 calendar days after receiving the authorization, commence withholding from the employee's wages the amount of membership dues certified by the employee organization. The employer shall transmit the amount withheld to the employee organization on the same day as the employee is paid. Nothing in this subsection shall be construed to require a member of an employee organization to participate in automatic dues deduction.

Sec. 6. 16 V.S.A. § 1982 is amended to read:

§ 1982. RIGHTS

\* \* \*

(f) A teacher or administrator who is a member of the teachers' or administrators' organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from a teacher or administrator, the school board shall, as soon as practicable and in any event, not later than 30 calendar days after receiving the authorization, commence withholding from the teacher's or administrator's wages the amount of membership dues certified by the teachers' or administrators' organization. The school board shall transmit the amount withheld to the teachers' or administrators' organization on the same day as the teacher or administrator is paid. Nothing in this subsection shall be construed to require a member of a teachers' or administrators' organization to participate in automatic dues deduction.

Sec. 7. 21 V.S.A. § 1645 is added to read:

§ 1645. AUTOMATIC MEMBERSHIP DUES DEDUCTION

Independent direct support providers who are members of the labor organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an independent direct support provider, the State shall, as soon as practicable and in any event, not later than 30 calendar days after receiving the authorization, commence withholding from the independent direct support provider's wages the amount of membership dues certified by the labor organization. The State shall transmit the amount withheld to the

labor organization on the same day as the independent direct support provider is paid. Nothing in this section shall be construed to require a member of a labor organization to participate in automatic dues deduction.

Sec. 8. 21 V.S.A. § 1737 is added to read:

§ 1737. AUTOMATIC MEMBERSHIP DUES DEDUCTION

Employees who are members of the employee organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an employee, the employer shall, as soon as practicable and in any event, not later than 30 calendar days after receiving the authorization, commence withholding from the employee's wages the amount of membership dues certified by the employee organization. The employer shall transmit the amount withheld to the employee organization on the same day as the employee is paid. Nothing in this section shall be construed to require a member of an employee organization to participate in automatic dues deduction.

Sec. 9. 33 V.S.A. § 3618 is added to read:

§ 3618. AUTOMATIC MEMBERSHIP DUES DEDUCTION

Early care and education providers who are members of the labor organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an early care and education provider, the State shall, as soon as practicable and in any event, not later than 30 calendar days after receiving the authorization, commence withholding from the subsidies paid to the early care and education provider the amount of membership dues certified by the labor organization. The State shall transmit the amount withheld to the labor organization on the same day as the subsidies are paid to the early care and education provider. Nothing in this section shall be construed to require a member of a labor organization to participate in automatic dues deduction.

\* \* \* Access to Employees in Bargaining Unit \* \* \*

Sec. 10. 3 V.S.A. § 909 is added to read:

§ 909. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

(a) An employer shall provide the employee organization that is the exclusive representative of the employees in a bargaining unit with an opportunity to meet with each newly hired employee in the bargaining unit to present information about the employee organization.

(b)(1) The meeting shall occur during the new employee's orientation or, if the employer does not conduct an orientation for newly hired employees,

within 30 calendar days from the date on which the employee was hired.

(2) If the meeting is not held during the new employee's orientation, it shall be held during the new employee's regular work hours and at his or her regular worksite or a location mutually agreed to by the employer and the employee organization.

(3) The employee organization shall be permitted to meet with the employee for not less than 60 minutes.

(4) The employee shall be paid for attending the meeting at his or her regular rate of pay.

(c)(1) Within 10 calendar days after hiring a new employee in a bargaining unit, the employer shall provide the employee organization with his or her name, job title, worksite location, work telephone number and e-mail address, home address, personal e-mail address, home and personal cellular telephone numbers, and date of hire to the extent that the employer is in possession of such information.

(2) The employee's home address, personal e-mail address, and home and personal cellular telephone numbers shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

(d) The employer shall provide the employee organization with not less than 10 calendar days' notice of an orientation for newly hired employees in a bargaining unit.

Sec. 11. 3 V.S.A. § 1022 is added to read:

§ 1022. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

(a) An employer shall provide the employee organization that is the exclusive representative of the employees in a bargaining unit with an opportunity to meet with each newly hired employee in the bargaining unit to present information about the employee organization.

(b)(1) The meeting shall occur during the new employee's orientation or, if the employer does not conduct an orientation for newly hired employees, within 30 calendar days from the date on which the employee was hired.

(2) If the meeting is not held during the new employee's orientation, it shall be held during the new employee's regular work hours and at his or her regular worksite or a location mutually agreed to by the employer and the employee organization.

(3) The employee organization shall be permitted to meet with the employee for not less than 60 minutes.

(4) The employee shall be paid for attending the meeting at his or her regular rate of pay.

(c)(1) Within 10 calendar days after hiring a new employee in a bargaining unit, the employer shall provide the employee organization with his or her name, job title, worksite location, work telephone number and e-mail address, home address, personal e-mail address, home and personal cellular telephone numbers, and date of hire to the extent that the employer is in possession of such information.

(2) The employee's home address, personal e-mail address, and home and personal cellular telephone numbers shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

(d) The employer shall provide the employee organization with not less than 10 calendar days' notice of an orientation for newly hired employees in a bargaining unit.

Sec. 12. 16 V.S.A. § 1984 is added to read:

§ 1984. ACCESS TO NEW TEACHERS OR ADMINISTRATORS IN BARGAINING UNIT

(a) A school board shall provide a teachers' or administrators' organization that is the exclusive representative of the teachers or administrators in a bargaining unit with an opportunity to meet with each newly hired teacher or administrator in the bargaining unit to present information about the teachers' or administrators' organization.

(b)(1) The meeting shall occur during the new teacher's or administrator's orientation or, if the school board does not conduct an orientation for newly hired teachers or administrators, within 30 calendar days from the date on which the teacher or administrator was hired.

(2) If the meeting is not held during the new teacher's or administrator's orientation, it shall be held during the new teacher's or administrator's regular work hours and at his or her regular worksite or a location mutually agreed to by the school board and the teacher's or administrator's organization.

(3) The employee organization shall be permitted to meet with the employee for not less than 60 minutes.

(4) The teacher or administrator shall be paid for attending the meeting at his or her regular rate of pay.

(c)(1) Within 10 calendar days after hiring a new teacher or administrator, the school board shall provide the teacher's or administrator's organization, as

appropriate, with his or her name, job title, worksite location, work telephone number and e-mail address, home address, personal e-mail address, home and personal cellular telephone numbers, and date of hire to the extent that the school board is in possession of such information.

(2) The teacher's or administrator's home address, personal e-mail address, and home and personal cellular telephone numbers shall be kept confidential by the employer and the teacher's or administrator's organization and shall be exempt from copying and inspection under the Public Records Act.

(d) The school board shall provide the teacher's or administrator's organization with not less than 10 calendar days' notice of an orientation for newly hired teachers or administrators in its bargaining unit.

Sec. 13. 21 V.S.A. § 1738 is added to read:

§ 1738. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

(a) An employer shall provide the employee organization that is the exclusive representative of the employees in a bargaining unit with an opportunity to meet with each newly hired employee in the bargaining unit to present information about the employee organization.

(b)(1) The meeting shall occur during the new employee's orientation or, if the employer does not conduct an orientation for newly hired employees, within 30 calendar days from the date on which the employee was hired.

(2) If the meeting is not held during the new employee's orientation, it shall be held during the new employee's regular work hours and at his or her regular worksite or a location mutually agreed to by the employer and the employee organization.

(3) The employee organization shall be permitted to meet with the employee for not less than 60 minutes.

(4) The employee shall be paid for attending the meeting at his or her regular rate of pay.

(c)(1) Within 10 calendar days after hiring a new employee in a bargaining unit, the employer shall provide the employee organization with his or her name, job title, worksite location, work telephone number and e-mail address, home address, personal e-mail address, home and personal cellular telephone numbers, and date of hire to the extent that the employer is in possession of such information.

(2) The employee's home address, personal e-mail address, and home and personal cellular telephone numbers shall be kept confidential by the

employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

(d) The employer shall provide the employee organization with not less than 10 calendar days' notice of an orientation for newly hired employees in a bargaining unit.

\* \* \* Annual List of Employees in Bargaining Unit \* \* \*

Sec. 14. 3 V.S.A. § 910 is added to read:

§ 910. ANNUAL LIST OF EMPLOYEES IN BARGAINING UNIT

(a) Annually, or on a more frequent basis if mutually agreed to by the employer and the employee organization, the employer shall provide the employee organization that is the exclusive representative of a bargaining unit with a list of all employees in that bargaining unit.

(b) The list shall include, as appropriate, each employee's name, work location, job classification, and contact information. As used in this section, "contact information" includes an employee's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the employer is in possession of such information.

(c) To the extent possible, the list shall be in alphabetical order by last name and provided in electronic format.

(d) The list shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

Sec. 15. 3 V.S.A. § 1023 is added to read:

§ 1023. ANNUAL LIST OF EMPLOYEES IN BARGAINING UNIT

(a) Annually, or on a more frequent basis if mutually agreed to by the employer and the employee organization, the employer shall provide the employee organization that is the exclusive representative of a bargaining unit with a list of all employees in that bargaining unit.

(b) The list shall include, as appropriate, each employee's name, work location, job classification, and contact information. As used in this section, "contact information" includes an employee's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the employer is in possession of such information.

(c) To the extent possible, the list shall be in alphabetical order by last name and provided in electronic format.

(d) The list shall be kept confidential by the employer and the employee

organization and shall be exempt from copying and inspection under the Public Records Act.

Sec. 16. 16 V.S.A. § 1985 is added to read:

§ 1985. ANNUAL LIST OF TEACHERS OR ADMINISTRATORS IN BARGAINING UNIT

(a) Annually, or on a more frequent basis if mutually agreed to by the school board and the teachers' or administrators' organization, the school board shall provide the teachers' or administrators' organization that is the exclusive representative of a bargaining unit with a list of all teachers or administrators in that bargaining unit.

(b) The list shall include, as appropriate, each teacher's or administrator's name, work location, job classification, and contact information. As used in this section, "contact information" includes a teacher's or administrator's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the school board is in possession of such information.

(c) To the extent possible, the list shall be in alphabetical order by last name and provided in electronic format.

(d) The list shall be kept confidential by the school board and the teachers' or administrators' organization and shall be exempt from copying and inspection under the Public Records Act.

Sec. 17. 21 V.S.A. § 1739 is added to read:

§ 1739. ANNUAL LIST OF EMPLOYEES IN BARGAINING UNIT

(a) Annually, or on a more frequent basis if mutually agreed to by the employer and the employee organization, the employer shall provide the employee organization that is the exclusive representative of a bargaining unit with a list of all employees in that bargaining unit.

(b) The list shall include, as appropriate, each employee's name, work location, job classification, and contact information. As used in this section, "contact information" includes an employee's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the employer is in possession of such information.

(c) To the extent possible, the list shall be in alphabetical order by last name and provided in electronic format.

(d) The list shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

Sec. 18. 21 V.S.A. § 1646 is added to read:

§ 1646. ANNUAL LIST OF INDEPENDENT DIRECT SUPPORT PROVIDERS IN BARGAINING UNIT

(a) Annually, or on a more frequent basis if mutually agreed to by the State and the exclusive representative, the State shall provide the exclusive representative of the independent direct support providers with a list of all independent direct support providers in the bargaining unit.

(b)(1) The list shall include, as appropriate, each independent direct support provider's name, work location, job classification, and contact information. As used in this section, "contact information" includes an independent direct support provider's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the State is in possession of such information.

(2) The list shall not include the name of any recipient or indicate that an independent direct support provider is a relative of a recipient or has the same address as a recipient.

(c) To the extent possible, the list shall be in alphabetical order by last name and provided in electronic format.

(d) The list shall be kept confidential by the State and the exclusive representative and shall be exempt from copying and inspection under the Public Records Act.

Sec. 19. 33 V.S.A. § 3619 is added to read:

§ 3619. ANNUAL LIST OF EARLY CARE AND EDUCATION PROVIDERS IN BARGAINING UNIT

(a) Annually, or on a more frequent basis if mutually agreed to by the State and the exclusive representative, the State shall provide the exclusive representative with a list of all providers in that bargaining unit.

(b) The list shall include, as appropriate, each early care and education provider's name, work location, job classification, and contact information. As used in this section, "contact information" includes a provider's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the State is in possession of such information.

(c) To the extent possible, the list shall be in alphabetical order by last name and provided in electronic format.

(d) The list shall be kept confidential by the State and the exclusive representative and shall be exempt from copying and inspection under the Public Records Act.



\* \* \* Effective Date \* \* \*

Sec. 20. EFFECTIVE DATE

This act shall take effect on January 1, 2021.

Which was agreed to.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment, as substituted was agreed to, and third reading of the bill was ordered on a roll call, Yeas 28 Nays 0.

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

**Roll Call**

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

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

**Those Senators absent and not voting were:** Benning, Rodgers.

**Message from the House No. 71**

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

Mr. President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

**S. 337.** An act relating to energy efficiency entities and programs to reduce greenhouse gas emissions in the thermal energy and transportation sectors.

And has passed the same in concurrence.

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

**H. 683.** An act relating to the protection of migratory birds.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

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**Adjournment**

On motion of Senator Ashe, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

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**FRIDAY, SEPTEMBER 4, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey J. Parent
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil

Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

**Bill Passed****S. 254.**

Senate bill of the following title was read the third time and passed:

An act relating to union organizing.

**House Proposal of Amendment Concurred In****S. 233.**

House proposal of amendment to Senate bill entitled:

An act relating to uniform licensing standards.

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:

\* \* \* Office of Professional Regulation \* \* \*

Sec. 1. 3 V.S.A. § 123 is amended to read:

§ 123. DUTIES OF OFFICE

\* \* \*

(g)(1) The Office of ~~Professional Regulation~~ shall establish uniform procedures applicable to all of the professions and boards set forth in section 122 of this chapter, providing for:

(1)(A) appropriate recognition of education, training, or service completed by a member of the U.S. Armed Forces toward the requirements of professional licensure; and

(2)(B) expedited issuance of a professional license to a person who is licensed in good standing in another regulatory jurisdiction; and:

(A)(i) whose spouse is a member of the U.S. Armed Forces and who has been subject to a military transfer to Vermont; and

~~(B)~~(ii) who left employment to accompany his or her spouse to Vermont.

(2) The Director may evaluate specific military credentials to determine equivalency to credentials required for professions attached to the Office. The determinations shall be adopted through written policy that shall be posted on the Office's website.

\* \* \*

(j)(1) The Office may inquire into the criminal background histories of applicants for licensure and for biennial license renewal for the following professions:

\* \* \*

(k) For any profession attached to it, the Office shall provide a pre-application determination of an individual's criminal background. This determination shall not be binding on the Office in a future application if the individual violates probation or parole or is convicted of another crime following the determination.

(1) The Office shall initiate this determination upon an individual's "second chance" determination request. This request shall provide documentation related to the individual's conviction or convictions, evidence of rehabilitation, and identification of the profession or professions for which the individual seeks licensure.

(2) The individual shall submit this request online, accompanied by the fee for pre-application determinations set forth in section 125 of this subchapter. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(3) The Office shall:

(A) process a request within 30 days of receiving a complete request;

(B) assess the nature of the underlying conviction or convictions, the nexus to the profession or professions for which the individual seeks licensure, and the provided evidence of rehabilitation; and

(C) respond to the individual's request in writing.

(l) When, by reason of disqualification, resignation, vacancy, or necessary absence, a board is unable to form a quorum or assign one or more members to assist in the investigation and prosecution of complaints or license applications, or to adjudicate a contested case, the Secretary of State may appoint ad hoc members, either as voting members to establish a quorum at a specific meeting or as nonvoting members to assist Office investigators and prosecutors.

Sec. 2. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

(a) In addition to the fees otherwise authorized by law, a board or advisor profession may charge the following fees:

\* \* \*

(5) A pre-application criminal background determination, \$25.00.

\* \* \*

(d) Pursuant to qualifications and procedures determined by the Director, the Office shall, upon request, waive application fees to qualified military members and military spouses.

Sec. 3. 3 V.S.A. § 136 is amended to read:

§ 136. UNIFORM CONTINUING EDUCATION EVALUATION; SUNSET REVIEW

(a) If continuing education is required by law or rule, the Office shall apply uniform standards and processes that apply to all professions regulated by the Office for the assessment and approval or rejection of continuing education offerings, informed by profession-specific policies developed in consultation with relevant boards and advisor appointees.

(b)(1) Not less than once every five years, each profession attached to the Office shall review its continuing education or other continuing competency requirements. The review results shall be in writing and address the following:

(A) the renewal requirements of the profession;

(B) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(C) the cost of the renewal requirements for the profession's licensees;

(D) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and

(E) recommendations to the Director on whether the continuing education or other continuing competency requirements should be modified.

(2) The Director shall respond to the profession within 45 days of its submitted review results. The Director may require a profession to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 4. 3 V.S.A. § 136a is added to read:

§ 136a. UNIFORM PROCESS FOR ENDORSEMENT FROM OTHER STATES

(a) Except as provided in subsection (b) of this section, all professions attached to the Office shall have an endorsement process that requires not more than three years of practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially similar to those of this State.

(b) Any profession determining that three years of demonstrated practice in another jurisdiction is not adequately protective of the public shall provide its rationale to the Director, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement.

(c) The Director may issue to an endorsement applicant a waiver of the profession's practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

\* \* \* Well Drillers \* \* \*

Sec. 5. 10 V.S.A. § 1395a is amended to read:

§ 1395a. LICENSES; RULES

(a) Licenses. The Department shall issue licenses under this subchapter. A licensee may be authorized to perform more than one class of activities under a single license. The Department shall, by rule, establish appropriate application, testing, and renewal procedures for each class of activity under a license. The rule shall include the opportunity for an applicant to take the licensing test orally or by demonstration if the applicant fails the written test. The classes of activities under a license shall be as follows:

(1) Water well driller. This class shall consist of any person engaged in the business of constructing wells for the purpose of locating, extracting, or recharging groundwater, or for the purpose of transferring heat to or from the earth's subsurface.

(2) Monitoring well driller. This class shall consist of any person engaged in the business of constructing, servicing, or closing wells drilled for the purpose of monitoring groundwater quantity or quality.

\* \* \*

(b) Criminal background; pre-application determination. The Department shall provide a pre-application determination of an individual's criminal background. This determination shall not be binding on the Department in a

future application if the individual violates probation or parole or is convicted of another crime following the determination.

(1) The Department shall initiate this determination upon an individual's "second chance" determination request. This request shall provide documentation related to the individual's conviction or convictions and evidence of rehabilitation.

(2) The individual shall submit this request online, accompanied by a pre-application fee of \$25.00. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(3) The Department shall:

(A) process a request within 30 days of receiving a complete request;

(B) assess the nature of the underlying conviction or convictions, the nexus to the well-drilling profession, and the provided evidence of rehabilitation; and

(C) respond to the individual's request in writing.

(c) Continuing education; sunset review.

(1) Not less than once every five years, the Department shall review its continuing education or other continuing competency requirements for well drillers. The review results shall be in writing and address the following:

(A) the renewal requirements of the profession;

(B) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(C) the cost of the renewal requirements for the profession's licensees;

(D) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and

(E) recommendations to the Secretary on whether the continuing education or other continuing competency requirements should be modified.

(2) The Secretary shall respond to the Department within 45 days of its submitted review results. The Secretary may require the Department to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

(d) Military credentials. The Department may evaluate specific military credentials to determine equivalency to credentials for well drillers. The determinations shall be adopted through written policy that shall be posted on the Department's website.

(e) Uniform process for endorsement from other states.

(1) The Department shall issue licenses for well drillers who have been licensed in good standing in another jurisdiction within the United States for at least three years, regardless of whether that jurisdiction has licensing requirements substantially similar to those of this State.

(2) If the Department determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Secretary, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(3) The Secretary may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

(f) Uniform process for foreign credential verification.

(1) The Secretary shall adopt rules in consultation with the Department that prescribe a process for the Secretary to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for well drillers.

(2) Any determination of equivalence by the Secretary under this section shall be in consultation with the Department, recorded in the applicant's licensing file, and binding upon the Department.

(3) In administering this section, the Secretary may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

(g) Rules.

(1) The Department may adopt rules to implement the provisions of this subchapter and to establish well construction standards for persons engaged in the business of well construction.

(e)(2)(A) Rules relating to licensing standards shall be fair and reasonable and shall be designed and implemented to ensure that all applicants are granted licensure if they demonstrate that they possess the minimal occupational qualifications necessary for the purposes of groundwater protection. They shall not be designed or implemented for the purpose of limiting the number of licensees.

(B) All other rules to implement the provisions of this subchapter shall be rationally related to the purposes of this chapter, and shall be designed to achieve a reasonable balance between the expected governmental, societal,



and occupational costs and the expected benefits.

Sec. 6. 10 V.S.A. § 1395 is amended to read:

§ 1395. APPLICATION

(a) Any person who intends to engage in the business of drilling wells in the State of Vermont shall file an application with the Department of Environmental Conservation for a license to do so on forms provided by the Department on which the person's qualifications and other information that may be required by the Department shall be stated.

(b)(1) The fee for a license or a renewal shall be in accordance with 3 V.S.A. § 2822.

(2) Pursuant to qualifications and procedures determined by the Secretary, the Department shall, upon request, waive application fees to qualified military members and military spouses.

(c) The licenses so issued shall expire every three years on June 30, shall not be transferable, and may be renewed on filing of a complete application and payment of the required fee in accordance with 3 V.S.A. § 2822. The fee shall be paid on an annual basis.

\* \* \* Professional Educators \* \* \*

Sec. 7. 16 V.S.A. § 1694 is amended to read:

§ 1694. POWERS AND DUTIES OF THE STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

In addition to any other powers and duties prescribed by law or incidental or necessary to the exercise of such lawful powers and duties, the Standards Board shall:

(1)(A) Adopt rules pursuant to 3 V.S.A. chapter 25 with respect to the licensing of teachers and administrators, and of speech-language pathologists and audiologists as provided in 26 V.S.A. chapter 87.

(B) Not less than once every five years, review its continuing education or other continuing competency requirements for professional educators. The review results shall be in writing and address the following:

(i) the renewal requirements for licensure and endorsements;

(ii) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(iii) the cost of the renewal requirements for the licensees; and

(iv) an analysis of the utility and effectiveness of the renewal requirements with respect to the purpose set forth in section 1691 of this chapter.

\* \* \*

(3)(A) Establish standards, including endorsements, according to which individuals may obtain a license or have one renewed or reinstated.

(B) Adopt rules for an application process to provide licensure to applicants who can demonstrate three years or more of licensed practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially similar to those of this State. The Standards Board may, by rule, exclude an endorsement from the process required by this subdivision (B) if it finds that licensure through this process for the endorsement does not fulfill the goals set forth in section 1691 of this chapter.

(4) Oversee and monitor the application and licensing process administered by the office. The Standards Board may, by adoption of a written policy that is posted on the Agency's website, allow specific military credentials to satisfy one or more requirements for licensure.

\* \* \*

Sec. 8. 16 V.S.A. § 1695a is added to read:

§ 1695a. PRE-APPLICATION CRIMINAL BACKGROUND  
DETERMINATION; UNIFORM PROCESS FOR FOREIGN  
CREDENTIAL VERIFICATION

(a) Pre-application criminal background determination. An individual may request a pre-application determination of the individual's criminal background. The pre-application determination shall adhere to the process set forth in section 254 of this title. Results of a pre-application determination shall not be binding on the Secretary in a future application.

(1) The individual's request for a pre-application determination shall include documentation related to criminal conviction or substantiation, evidence of rehabilitation or mitigation, and identification of which license and any endorsement the individual will seek.

(2) The individual shall submit this request on a form provided by the Secretary, accompanied by the pre-application criminal background determination fee set forth in section 1697 of this chapter. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(3) The Secretary shall:(A) process a request within 30 days of receiving a complete request;(B) assess the nature of any underlying convictions and substantiations, the nexus to the license and endorsement sought, and the provided evidence of rehabilitation or mitigation; and(C) respond to the individual's request in writing, stating whether the individual may seek licensure.(b) Uniform process for foreign credential verification.(1) The Standards Board shall adopt rules in consultation with the Secretary that prescribe a process for the Secretary to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for professional educators.(2) Any determination of equivalence by the Secretary under this subsection (b) shall be in consultation with the Standards Board, recorded in the applicant's licensing file, and binding upon the Secretary.(3) In administering this subsection, the Secretary may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.(4) The provisions relating to preliminary license denials set forth in subsection 1704(a) of this chapter shall apply to a license application that is preliminarily denied for nonequivalence under this subsection.

Sec. 9. 16 V.S.A. § 1696 is amended to read:

## § 1696. LICENSING

\* \* \*

(b) License by reciprocity.(1) By rule, the Standards Board shall establish standards according to which an applicant who meets the licensing standards of another state with standards substantially similar to Vermont's may be accorded a license in this State, provided the other state recognizes, by substantially reciprocal regulations or laws, licenses issued in this State.(2) Eligibility for licensure under this subsection shall be in addition to eligibility for licensure under subdivision 1694(3)(B) of this chapter.

\* \* \*

Sec. 10. 16 V.S.A. § 1697 is amended to read:

§ 1697. FEES

(a) Each individual applicant and licensee shall be subject to the following fees:

\* \* \*

(8) Pre-application criminal background determination      \$25.00

(b) Pursuant to qualifications and procedures determined by the Secretary, the Agency shall, upon request, waive application fees to qualified military members and military spouses.

(c) Fees collected under this section shall be credited to special funds established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Agency to offset the costs of providing those services.

\* \* \* Electricians \* \* \*

Sec. 11. 26 V.S.A. § 901 is amended to read:

§ 901. ELECTRICIANS' LICENSING BOARD; MEMBERSHIP; POWERS

(a) Creation. A board for the licensing of electricians is created, to be known as the "Electricians' Licensing Board."

(b) Membership. The ~~board~~ Board consists of the Commissioner of Public Safety or a member of that Department designated by the Commissioner and four persons appointed by the Governor with the advice and consent of the Senate.

(1) The four appointed members shall serve for terms of three years, beginning on July 1 in the year of appointment, and they shall include one licensed master electrician, one licensed journeyman electrician, one person associated with the public electrical utility industry who is knowledgeable in technical as well as operational issues of the electrical utility industry, and one person associated with the fire insurance industry.

(2) ~~No~~ Not more than two appointed members' terms shall expire in the same year.

(e)(3) The Governor shall appoint one of the members of the Board to serve as its chair.

(c) Continuing education; sunset review.

(1) Not less than once every five years, the Board shall review electricians' continuing education or other continuing competency requirements. The review results shall be in writing and address the following:

- (A) the renewal requirements for electricians;
- (B) the renewal requirements in other jurisdictions, particularly in the Northeast region;
- (C) the cost of the renewal requirements for electricians;
- (D) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and
- (E) recommendations to the Commissioner on whether the continuing education or other continuing competency requirements should be modified.

(2) The Commissioner shall respond to the Board within 45 days of its submitted review results. The Commissioner may require the Board to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 12. 26 V.S.A. § 905 is amended to read:

§ 905. APPLICATION; EXAMINATIONS AND FEES

\* \* \*

(g) Pursuant to qualifications and procedures determined by the Commissioner, the Board shall, upon request, waive application fees for qualified military members and military spouses.

Sec. 13. 26 V.S.A. § 906 is amended to read:

§ 906. EXAMINATIONS NOT REQUIRED

(a) Generally. A license for an individual who is licensed by another state or who has received designation by the U.S. Armed Forces as a 12R Electrician electrician or equivalent shall be issued without examination as provided pursuant to this section on payment of the required fee.

(b)(1) Reciprocity. A master's or journeyman's license, as the case may be, shall be issued to a person to whom a master electrician's license or a journeyman electrician's license has been previously issued by another state, whose standards are equivalent to those of this State, if under the laws or regulations of the state issuing the license a similar privilege is granted to electricians licensed under the laws of this State.

(2) Uniform process for endorsement from other states.

(A) The Board shall issue a license to master and journeyman electricians who have been licensed in good standing in another jurisdiction within the United States for at least three years, regardless of whether that jurisdiction meets the reciprocity requirements of subdivision (1) of this subsection.

(B) If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(C) The Commissioner may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

(c) Except as otherwise provided by law, a journeyman's license shall be issued to a service member or veteran who:

(1) submits a complete application and any documentation required by the Board;

(2) has received designation by the U.S. Armed Forces as a 12R ~~Electrician~~ electrician or equivalent; and

(3) has completed a minimum of 8,000 hours and four years of active duty field work as a 12R ~~Electrician~~ electrician or equivalent.

\* \* \*

Sec. 14. 26 V.S.A. § 907 is amended to read:

§ 907. RECOGNITION OF EXPERIENCE

(a) The Board, in determining the qualifications of an applicant for a license, may in its discretion give recognition:

(1) in the case of an application for a master's license, to the applicant's experience as a licensed journeyman in another state;

(2) in the case of an application for a journeyman's license, to an apprenticeship served in another state; or

(3) to experience or prior qualifications.

(b)(1) The Board, in determining the qualifications of a service member or veteran, as defined pursuant to section 906 of this subchapter, who is applying for a master's license, shall give recognition to the applicant's:

~~(1)(A)~~ (A) experience as a 12R electrician or equivalent in the U.S. Armed Forces; and

~~(2)(B)~~ (B) other experience or prior qualifications.

(2) The Board may evaluate specific military credentials to determine equivalency to credentials within the Board's jurisdiction. The determinations shall be adopted through written policy that shall be posted on the Board's website.

(c)(1) The Commissioner shall adopt rules in consultation with the Board that prescribe a process for the Commissioner to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for electricians.

(2) Any determination of equivalence by the Commissioner under this subsection shall be in consultation with the Board, recorded in the applicant's licensing file, and binding upon the Board.

(3) In administering this section, the Board may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

\* \* \* Board of Medical Practice \* \* \*

Sec. 15. 26 V.S.A. § 1353 is amended to read:

§ 1353. POWERS AND DUTIES OF THE BOARD

The Board shall have the following powers and duties to:

\* \* \*

(11) Provide a pre-application determination of an individual's criminal background. This determination shall not be binding on the Board in a future application if the individual violates probation or parole or is convicted of another crime following the determination.

(A) The Board shall initiate this determination upon an individual's "second chance" determination request. This request shall provide documentation related to the individual's conviction or convictions, evidence of rehabilitation, and identification of the profession or professions for which the individual seeks licensure.

(B) The individual shall submit this request online, accompanied by the fee for pre-application determinations set forth in section 1401a of this chapter. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(C) The Board shall:

(i) process a request within 30 days of receiving a complete request;

(ii) assess the nature of the underlying conviction or convictions, the nexus to the profession or professions for which the individual seeks licensure, and the provided evidence of rehabilitation; and

(iii) respond to the individual's request in writing.

(12)(A) Establish uniform procedures applicable to all of the professions under its jurisdiction, providing for:

(i) appropriate recognition of education, training, or service completed by a member of the U.S. Armed Forces toward the requirements of professional licensure;

(ii) expedited issuance of a professional license to a person who is licensed in good standing in another regulatory jurisdiction:

(I) whose spouse is a member of the U.S. Armed Forces and who has been subject to a military transfer to Vermont; and

(II) who left employment to accompany his or her spouse to Vermont.

(B) The Board may evaluate specific military credentials to determine equivalency to credentials within the Board's jurisdiction. The determinations shall be adopted through written policy that shall be posted on the Board's website.

(13)(A) Adopt rules that prescribe a process for the Board to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for those professions within the Board's jurisdiction.

(B) Any determination of equivalence by the Board under this subdivision (13) shall be recorded in the applicant's licensing file.

(C) In administering this section, the Board may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

(14)(A) Not less than once every five years, review the continuing education and other continuing competency requirements for each of the professions it regulates. The review results shall be in writing and address the following:

(i) the renewal requirements of the profession;

(ii) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(iii) the cost of the renewal requirements for the profession's licensees;

(iv) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and



(v) recommendations to the Commissioner of Health on whether the continuing education or other continuing competency requirements should be modified.

(B) The Commissioner of Health shall respond to the Board within 45 days of its submitted review results. The Commissioner may require the Board to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 16. 26 V.S.A. § 372 is amended to read:

§ 372. LICENSURE WITHOUT EXAMINATION

(a) A person who is licensed under the laws of another jurisdiction and who desires licensure as a podiatrist without examination shall apply to the Board in writing on a form furnished by it and pay the specified fee. The Board shall license such persons that person if it deems that they have person has met requirements in the other jurisdiction that are substantially equal to those of this State. The Board may make adopt such rules as are reasonable and necessary for the protection of the public to assure ensure that applicants under this section are professionally qualified.

(b)(1) The Board shall have an endorsement process for podiatrist licensure that requires not more than three years of practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially equal to those of this State, so long as the applicant meets one of the following postgraduate training requirements:

(A) A graduate of a U.S. or Canadian podiatric school accredited by a body that is acceptable to the Board shall have successfully completed at least two years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board; or

(B) A graduate of a Board-approved podiatric school outside the United States or Canada shall have successfully completed at least three years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board.

(2) If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(3) The Board may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

Sec. 17. 26 V.S.A. § 1395 is amended to read:

§ 1395. LICENSE WITHOUT EXAMINATION BY ENDORSEMENT

(a) ~~Without examination, the Board may, upon payment of the required fee, issue a license to a reputable physician who personally appears and presents a certified copy of a certificate of registration or a license issued to him or her in a jurisdiction whose requirements for registration are deemed by the Board as equivalent to those of this State, providing that such jurisdiction grants the same reciprocity to a Vermont physician or by the National Board of Medical Examiners.~~ The Board shall have an endorsement process for physician licensure that requires not more than three years of practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially equal to those of this State, provided the applicant meets one of the following postgraduate training requirements:

(1) A graduate of a U.S. or Canadian medical school accredited by a body that is acceptable to the Board shall have successfully completed at least two years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board.

(2) A graduate of a Board-approved medical school outside the United States or Canada shall have successfully completed at least three years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board.

~~(b) Without examination, the Board may issue a license to a reputable physician who is a resident of a foreign country and who shall furnish the Board with satisfactory proof that he or she has been appointed to the faculty of a medical college accredited by the Liaison Committee on Medical Education (LCME) and located within the State of Vermont. An applicant for a license under this subsection shall furnish the Board with satisfactory proof that he or she has attained the age of majority, is of good moral character, is licensed to practice medicine in his or her country of residence, and that he or she has been appointed to the faculty of an LCME accredited medical college located within the State of Vermont. The information submitted to the Board concerning the applicant's faculty appointment shall include detailed information concerning the nature and term of the appointment and the method by which the performance of the applicant will be monitored and evaluated. A license issued under this subsection shall be for a period no longer than the term of the applicant's faculty appointment and may, in the discretion of the Board, be for a shorter period. A license issued under this subsection shall expire automatically upon termination for any reason of the licensee's faculty appointment. If the Board determines that three years of demonstrated~~

practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(c) The Board may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

Sec. 18. 26 V.S.A. § 1401a is amended to read:

§ 1401a. FEES

(a) The Department of Health shall collect the following fees:

\* \* \*

(4) Pursuant to qualifications and procedures determined by the Board, the Department shall, upon request, waive application fees to qualified military members and military spouses.

(b) The Department of Health may charge the following fees:

\* \* \*

(5) Pre-application criminal background determination, \$25.00.

\* \* \*

\* \* \* Nursing \* \* \*

Sec. 19. 26 V.S.A. § 1625 is amended to read:

§ 1625. PRACTICAL NURSE LICENSURE BY EXAMINATION

To be eligible for licensure as a practical nurse by examination, an applicant shall:

(1) complete an approved U.S. practical nursing education program meeting requirements set by the Board by rule or completion of equivalent study in a program conducted by the U.S. Armed Forces satisfactory to the Director; and

(2) complete examinations as determined by the Board.

\* \* \* Plumbers \* \* \*

Sec. 20. 26 V.S.A. § 2181 is amended to read:

§ 2181. PLUMBER'S EXAMINING BOARD; MEMBERSHIP; POWERS

(a) Creation. A The Plumber's Examining Board, within the Department of Public Safety, ~~hereinafter called "Board,"~~ shall consist of five members, one

of whom shall be the Commissioner of Public Safety or designee and one of whom shall represent the Commissioner of Health or designee. The remaining three members shall be appointed by the Governor with the advice and consent of the Senate. One of the appointive members shall be a master plumber, one shall be a journey plumber, and one shall be a public member not associated with the plumbing or heating trades.

(b) General authority. The Board shall have authority to examine and license master plumbers and journeyman plumbers and specialists and shall have the right to make reasonable rules.

(c) Disciplinary actions. Upon notice to the affected person and after a hearing, the Board may refuse to issue a license or may suspend or revoke a license or may take other disciplinary action against a licensee for any of the following reasons:

\* \* \*

(d) Military credentials. The Board may evaluate specific military credentials to determine equivalency to credentials within its jurisdiction. The determinations shall be adopted through written policy that shall be posted on the Board's website.

(e) Foreign credential verification.

(1) The Commissioner shall adopt rules in consultation with the Board that prescribe a process for the Commissioner to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for plumbers.

(2) Any determination of equivalence by the Commissioner under this subsection shall be in consultation with the Board, recorded in the applicant's licensing file, and binding upon the Board.

(3) In administering this subsection, the Board may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

(f) Continuing education; sunset review.

(1) Not less than once every five years, the Board shall review plumbers' continuing education or other continuing competency requirements. The review results shall be in writing and address the following:

(A) the renewal requirements of the profession;

(B) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(C) the cost of the renewal requirements for the profession's licensees;

(D) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and

(E) recommendations to the Commissioner on whether the continuing education or other continuing competency requirements should be modified.

(2) The Commissioner shall respond to the Board within 45 days of its submitted review results. The Commissioner may require the Board to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 21. 26 V.S.A. § 2193 is amended to read:

§ 2193. APPLICATIONS AND EXAMINATIONS; FEES

\* \* \*

(e) Pursuant to qualifications and procedures determined by the Commissioner, the Board shall, upon request, waive application fees to qualified military members and military spouses.

Sec. 22. 26 V.S.A. § 2194 is amended to read:

§ 2194. EXAMINATIONS NOT REQUIRED; TEMPORARY LICENSES

(a) Generally.

(1) Reciprocity.

(A) Appropriate licenses without examination may be issued to a person to whom a master plumber's license or a journeyman plumber's license or a specialty license or equivalent has been previously issued by another state or municipality upon the payment of the required fee if:

(A)(i) that state or municipality maintained a standard of requirements equivalent to those of this State; and

(B)(ii) the applicant presents satisfactory proof to the Board that he or she is a bona fide licensee.

(2)(B) An applicant under this ~~subsection~~ subdivision (1) shall be exempt from examination only if the applicant holds a license from a foreign state or municipality and if under the laws or regulations of the foreign state or municipality issuing the license a like exemption or reciprocal agreement, or both, is granted to licensees under the laws of this State.

(2) Uniform process for endorsement from other states.

(A) The Board shall issue licenses for master plumbers and journeyman plumbers and specialists who have been licensed in good standing in another jurisdiction within the United States for at least three years, regardless of whether that jurisdiction meets the reciprocity requirements of subdivision (1) of this subsection.

(B) If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(C) The Commissioner may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

(b) Service members and veterans. Except as otherwise provided by law, a journeyman's license shall be issued without examination and upon payment of the required fee to an applicant who is a service member or veteran who:

\* \* \*

(c) Definitions. As used in this section:

\* \* \*

\* \* \* Electricians and Plumbers; Criminal Backgrounds \* \* \*

#### Sec. 23. ELECTRICIAN AND PLUMBER LICENSING BOARDS; RECOMMENDATIONS REGARDING LICENSEE CRIMINAL BACKGROUNDS

On or before January 15, 2021, the Electricians' Licensing Board and the Plumbers' Examining Board shall each report to the House Committees on Government Operations and on General, Housing, and Military Affairs and to the Senate Committees on Government Operations and on Economic Development, Housing and General Affairs any recommendations regarding whether the law regulating their respective professions should be amended to:

(1) provide that criminal convictions constitute unprofessional conduct and therefore grounds on which the Board may deny initial licensure or license renewal or otherwise discipline a licensee and, if so, whether this authority should be limited to certain convictions; and

(2) require an applicant for initial licensure or license renewal, or both, to submit to a criminal background check as part of the application process.

\* \* \* Rules \* \* \*

Sec. 24. ADOPTION OF REQUIRED RULES

An agency required to adopt rules under this act shall finally adopt those rules on or before July 1, 2021, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

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

Sec. 25. EFFECTIVE DATES

This act shall take effect on April 1, 2021, except that this section and Sec. 23 (electrician and plumber licensing boards; recommendations regarding licensee criminal backgrounds) shall take effect on passage.

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

**Rules Suspended; Third Reading Ordered**

**S. 352.**

Appearing on the Calendar for notice, on motion of Senator Ashe, the rules were suspended and Senate committee bill entitled:

An act relating to making certain amendments to the Front-Line Employees Hazard Pay Grant Program.

Was taken up for immediate consideration.

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

**Rules Suspended; Third Reading Ordered**

**S. 353.**

Appearing on the Calendar for notice, on motion of Senator Ashe, the rules were suspended and Senate committee bill entitled:

An act relating to expanding the Front-Line Employees Hazard Pay Grant Program.

Was taken up for immediate consideration.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered on a roll call, Yeas 28, Nays 0.

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

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**Roll Call**

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

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

**Those Senators absent and not voting were:** Ingram, Rodgers.

**Rules Suspended; Bill Messaged**

On motion of Senator Ashe, the rules were suspended, and the following bill was ordered messaged to the House forthwith:

**S. 254.**

**Adjournment**

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, September 8, 2020, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 61.

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**TUESDAY, SEPTEMBER 8, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Pledge of Allegiance**

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

**Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel



Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey J. Parent
Grand Isle District	Senator Richard T. Mazza
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

**Joint Senate Resolution Adopted on the Part of the Senate**

**J.R.S. 62.**

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

By Senator Ashe,

**J.R.S. 62.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Thursday, September 10, 2020, or, Friday, September 11, 2020, it be to meet again no later than Tuesday, September 14, 2020.

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**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 63.**

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

By Senator Nitka,

**J.R.S. 63.** Joint resolution scheduling the Joint Assembly to vote on the retention of six Superior Judges.

*Whereas*, the Joint Assembly to vote on the retention of six Superior Judges has been scheduled and postponed; and

*Whereas*, the Joint Assembly on Judicial Retention needs to occur during the 2020 adjourned session of the General Assembly; and

*Whereas*, Vermont has been declared by the Governor to be in a State of Emergency as a result of a pandemic known as “COVID-19”; and

*Whereas*, it is critical to take steps to control outbreaks of COVID-19 to minimize the risk to the public, maintain the health and safety of Vermonters and limit the spread of infection in our community; and

*Whereas*, technology exists which would enable the General Assembly to conduct a Joint Assembly during this time of a declared emergency in a manner: consistent with public access to, and transparency of, its proceedings, as demanded by the Vermont Constitution; and, consistent with and in compliance with statutory and legislative rule requirements regarding Judicial Retention, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Monday, September 14, 2020, at five o’clock in the afternoon to vote on the retention of six Superior Judges, *and be it further*

***Resolved:*** That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and debate from a remote location; that voting by ballot shall be conducted, as practicable, consistent with Vermont’s “Early or Absentee Voters” statute at 17 V.S.A. §2531, et. seq.; that after the reports of the Committee on Judicial Retention, the Joint Assembly shall recess until Monday, September 21, 2020 at 5:00 pm (or as otherwise ordered by the Joint Assembly) so that ballots may be submitted; and, that upon reconvening the results of the vote shall be announced or the Joint Assembly shall proceed until the above is completed.

**Bill Amended; Bill Passed****S. 352.**

Senate bill entitled:

An act relating to making certain amendments to the Front-Line Employees Hazard Pay Grant Program.

Was taken up.

Thereupon, pending third reading of the bill, Senator Kitchel moved to amend the bill by adding a new section to be numbered Sec. 3 to read as follows:

Sec. 3. 2020 Acts and Resolves No. 136, Sec. 14 is amended to read:

Sec. 14. CHILD CARE PROVIDERS, SUMMER CAMPS,  
AFTERSCHOOL PROGRAMS; PARENT CHILD CENTERS;  
CHILDREN'S INTEGRATED SERVICES

(a)(1) The sum of \$12,000,000.00 is appropriated from the Coronavirus Relief Fund to the Department for Children and Families in fiscal year 2021 for the purposes of providing:

(A) additional restart grants to summer camps, afterschool programs, and child care providers;

(B) a prospective hazard pay grant program to staff employed at child care programs regulated by the Department for Children and Families;

(C) the cost incurred by Parent Child Centers in responding to the COVID-19 public health emergency, including the increased demand for services by impacted families; and

~~(C)~~(D) funds to address the immediate needs related to providing Children's Integrated Services, including information technology training and the provision of equipment necessary for telehealth services.

(2) The Department shall determine the allocation of funding for this subsection and develop an application process to distribute funds to providers.

(b) Once the Department has determined how the appropriation set forth in this section shall be distributed, but not later than August 18, 2020, it shall report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare regarding how the funds are to be distributed across programs.

And by renumbering the remaining section to be numerically correct.

Which was agreed to.

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

**Bill Passed**

**S. 353.**

Senate bill of the following title was read the third time and passed:

An act relating to expanding the Front-Line Employees Hazard Pay Grant Program.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, September 9, 2020.

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**WEDNESDAY, SEPTEMBER 9, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Champion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman

Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, September 10, 2020.

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### **THURSDAY, SEPTEMBER 10, 2020**

The Senate was called to order by the President.

### **Devotional Exercises**

A moment of silence was observed in lieu of devotions.

### **Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin

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Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey J. Parent
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

### **Senate Bill Recommitted**

#### **S. 252.**

Senate bill entitled:

An act relating to stem cell therapies not approved by the U.S. Food and Drug Administration.

Was taken up.

Thereupon, pending second reading of the bill, on motion of Senator Ashe, the bill was recommitted to the Committee on Health and Welfare.

### **House Proposal of Amendment to Senate Proposal of Amendment Concurred In**

#### **H. 683.**

House proposal of amendment to Senate proposal of amendment to House bill entitled:

An act relating to the protection of migratory birds.

Was taken up.

The House proposes to the Senate to amend the Senate proposal of amendment as follows:

In Sec. 4, effective date, by striking out the following: “July 1, 2020” and inserting in lieu thereof the following: passage

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

### Adjournment

On motion of Senator Ashe, the Senate adjourned until eleven o’clock and thirty minutes in the morning.

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### FRIDAY, SEPTEMBER 11, 2020

The Senate was called to order by the President.

#### Devotional Exercises

A moment of silence was observed in lieu of devotions.

#### Roll Call

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Christopher A. Pearson
Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey. J. Parent
Grand Isle District	Senator Richard T. Mazza

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Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

### **Message from the House No. 72**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 968.** An act relating to the Vermont Coronavirus Economic Stimulus Equity Program.

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

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

**J.R.S. 62.** Joint resolution relating to weekend adjournment.

**J.R.S. 63.** Joint resolution scheduling the Joint Assembly to vote on the retention of six Superior Judges.

And has adopted the same in concurrence.

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

**H. 688.** An act relating to addressing climate change.

And has severally concurred therein.



**Bill Referred to Committee on Finance****H. 926.**

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 changes to Act 250.

**Committee Bill Introduced**

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

**S. 354.**

By the Committee on Government Operations,

An act relating to emergency provisions for the operation of government.

**Bill Referred**

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

**H. 968.**

An act relating to the Vermont Coronavirus Economic Stimulus Equity Program.

To the Committee on Appropriations.

**Proposal of Amendment; Third Reading Ordered****H. 880.**

Senator Benning, for the Committee on Institutions, to which was referred House bill entitled:

An act relating to Abenaki place names on State park signs.

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. 10 V.S.A. § 2613 is added to read:

**§ 2613. ABENAKI PLACE NAMES IN STATE PARKS**

The Commissioner, before installing new signs or replacing existing signs in a State park, shall consult with the Vermont Commission on Native American Affairs to determine if there is an Abenaki name for any site within the park. If the Commission on Native American Affairs advises the

Commissioner of an Abenaki name, the Abenaki name shall be displayed with the English name.

## Sec. 2. LIST OF PLACES WITH ABENAKI NAMES

On or before March 15, 2021, the Vermont Commission on Native American Affairs shall prepare a list of places and landmarks with Abenaki names. If there are multiple names or spelling variations for a place, the Commission shall select a name or spelling to be used on signs in State parks. The Commission shall present the list to the Commissioner of Forests, Parks and Recreation in order to facilitate the construction of signs as required under 10 V.S.A. § 2613. The Commission shall also determine if there are sites outside of State parks with Abenaki names for which new signs should be considered.

## Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2021.

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. 962.**

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

An act relating to the duration of temporary relief from abuse orders.

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. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

\* \* \*

(b) Every order issued under this section shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge. Every order issued under this section shall inform the defendant that if he or she fails to appear at the final hearing the temporary order will remain in effect until the final order is served on the defendant unless the temporary order is dismissed by the court. Every

order issued under this section shall state upon its face a date, time, and place when the defendant may appear to petition the court for modification or discharge of the order. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than 14 days from the date of issuance of the order. At such hearings, the plaintiff shall have the burden of proving abuse by a preponderance of the evidence. If the court finds that the plaintiff has met his or her burden, it shall continue the order in effect and make such other order as it deems necessary to protect the plaintiff.

Sec. 2. 15 V.S.A. § 1105 is amended to read:

§ 1105. SERVICE

(a) A complaint or ex parte temporary order or final order issued under this chapter shall be served in accordance with the Vermont Rules of Civil Procedure and may be served by any law enforcement officer. A court that issues an order under this chapter during court hours shall promptly transmit the order electronically or by other means to a law enforcement agency for service.

(b)(1) A defendant who attends a hearing held under section 1103 or 1104 of this title at which a temporary or final order under this chapter is issued and who receives notice from the court on the record that the order has been issued shall be deemed to have been served. A defendant notified by the court on the record shall be required to adhere immediately to the provisions of the order. However, even when the court has previously notified the defendant of the order, the court shall transmit the order for additional service by a law enforcement agency.

(2) An ex parte temporary order issued under this chapter shall remain in effect until either it is dismissed by the court or the petition is denied at the final hearing. If the plaintiff fails to appear at the final hearing, the petition shall be dismissed, provided that the court may continue the temporary order until the final hearing if it makes findings on the record stating why there is good cause not to dismiss the petition. If a final order is issued, the temporary order shall remain in effect until personal service of the final order.

Sec. 3. 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.

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**Proposal of Amendment; Third Reading Ordered****H. 967.**

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

An act relating to the provision of child care at family child care homes during remote learning days.

Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 3, effective dates, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

**Sec. 3. EFFECTIVE DATES**

(a) This section shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 1 (33 V.S.A. § 3511) shall take effect on passage and apply retroactively to September 8, 2020.

(c) Sec. 2 (33 V.S.A. § 3511) shall take effect on September 1, 2021.

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.

**Committee Relieved of Further Consideration****H. 926.**

On motion of Senator Cummings, the Committee on Finance was relieved of further consideration of House bill entitled:

An act relating to changes to Act 250,

Thereupon, under the rule, the bill was ordered placed on the Calendar for notice the next legislative day.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, September 15, 2020, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 62.

**TUESDAY, SEPTEMBER 15, 2020**

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Pledge of Allegiance**

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

**Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil

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Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

### **Message from the House No. 73**

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

Mr. President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

**S. 187.** An act relating to transient occupancy for health care treatment and recovery.

And has passed the same in concurrence with proposal 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. 578.** An act relating to proof of financial responsibility.

And has severally concurred therein.

### **Message from the House No. 74**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 969.** An act relating to making appropriations for the support of government.

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

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 64.**

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

By Senator Ashe,

**J.R.S. 64.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Thursday, September 17, 2020, or, Friday, September 18, 2020, it be to meet again no later than Tuesday, September 22, 2020.

**Bill Referred**

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

**H. 969.**

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

To the Committee on Appropriations.

**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. 880.** An act relating to Abenaki place names on State park signs.

**H. 962.** An act relating to the duration of temporary relief from abuse orders.

**H. 967.** An act relating to the provision of child care at family child care homes during remote learning days.

**Proposals of Amendment; Third Reading Ordered****H. 934.**

Senator Cummings, for the Committee on Finance, to which was referred House bill entitled:

An act relating to renter rebate reform.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 32 V.S.A. § 6061, definitions, after the following: “unless the context requires otherwise:” and before the asterisks by inserting the following to read as follows:

(1) “Property tax credit” means a credit of the prior tax year’s statewide or local share property tax liability or a homestead owner ~~or renter~~ credit, as authorized under section 6066 of this title, as the context requires.

Second: By striking out Sec. 5, effective date, in its entirety and inserting in lieu thereof five new sections to read as follows:

Sec. 5. 32 V.S.A. § 6067 is amended to read:

§ 6067. CREDIT LIMITATIONS

Only one individual per household per taxable year shall be entitled to a benefit property tax credit under this chapter. An individual who received a homestead exemption or credit with respect to property taxes assessed by another state for the taxable year shall not be entitled to receive a credit under this chapter. No taxpayer shall receive a renter credit under subsection 6066(b) of this title in excess of ~~\$3,000.00~~ \$2,500.00. No taxpayer shall receive a property tax credit under subdivision 6066(a)(3) of this title greater than \$2,400.00 or cumulative credit under subdivisions 6066(a)(1)–(2) and (4) of this title greater than \$5,600.00.

Sec. 6. 32 V.S.A. § 6068 is amended to read:

§ 6068. APPLICATION AND TIME FOR FILING

(a) A tax credit claim or request for allocation of an income tax refund to homestead property tax payment shall be filed with the Commissioner on or before the due date for filing the Vermont income tax return, without extension, and shall describe the school district in which the homestead property is located and shall particularly describe the homestead property for which the credit or allocation is sought, including the school parcel account number prescribed in subsection 5404(b) of this title. A ~~renter rebate~~ credit claim shall be filed with the Commissioner on or before the due date for filing the Vermont income tax return, without extension.

\* \* \*

(c) No request for allocation of an income tax refund or for a ~~renter rebate~~ credit claim may be made after October 15.

Sec. 7. 32 V.S.A. chapter 154 is redesignated to read:

CHAPTER 154. HOMESTEAD PROPERTY TAX CREDIT AND RENTER CREDIT

Sec. 8. 32 V.S.A. § 3206(b) is amended to read:

(b) As used in this section, “extraordinary relief” means a remedy that is within the power of the Commissioner to grant under this title, a remedy that



compensates for the result of inaccurate classification of property as homestead or nonhomestead pursuant to section 5410 of this title through no fault of the taxpayer, or a remedy that makes changes to a taxpayer's property tax credit or renter ~~rebate~~ credit claim necessary to remedy the problem identified by the Taxpayer Advocate.

#### Sec. 9. EFFECTIVE DATE

This act shall take effect on January 1, 2021 and apply to taxable years beginning on and after January 1, 2021 (claim filing years 2022 and after).

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

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

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

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

**H. 880, H. 962, H. 967.**

#### **Message from the House No. 75**

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

Mr. President:

I am directed to inform the Senate that:

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

**S. 220.** An act relating to professional regulation.

**S. 234.** An act relating to miscellaneous judiciary procedures.

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

#### **Adjournment**

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Wednesday, September 16, 2020.

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**WEDNESDAY, SEPTEMBER 16, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend and Senator Deborah J. Ingram of Chittenden District.

**Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey. J. Parent
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil

Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

### **Message from the House No. 76**

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

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on September 15, 2020, he returned without signature and vetoed a bill originating in the House of the following title:

#### **H. 688. An act relating to addressing climate change.**

#### **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. 688** to the House is as follows:

“September 15, 2020

The Honorable William M. MaGill  
Clerk of the Vermont House of Representatives  
State House  
Montpelier, VT 05633

Dear Mr. MaGill:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning H.688, *An act relating to addressing climate change*, commonly referred to as the “Global Warming Solutions Act” (GWSA), without my signature because of my objections described herein:

As passed, this legislation simply does not propose, or create a sustainable framework for, long-term mitigation and adaptation solutions to address climate change. As noted in my August 12 letter to Speaker Johnson, Senate President Pro Tem Ashe, and Committee Chairs Briglin and Bray, I share the Legislature’s commitment to reducing greenhouse gas emissions and

enhancing the resilience of Vermont's infrastructure and landscape in the face of a changing climate. In that same letter, I outlined three specific concerns with this bill and resubmitted changes to address these concerns and create a path forward.

To reiterate what I have shared publicly, and my Administration has shared with the Committees of Jurisdiction and Legislative Leadership, the three primary areas of concern that I have with H.688 are as follows:

1. the creation of a cause of action which could lead to costly litigation and delay, instead of putting forward tangible solutions and actions we can take now;
2. the structure and charge of the Vermont Climate Council (Council) presents an unconstitutional separation of powers issue; and
3. the absence of a process ensuring the Legislature would formally vote on the Vermont Climate Action Plan (Plan) promulgated by an unelected, unaccountable Council.

This, put simply, is poorly crafted legislation that would lead to bad government and expensive delays and lawsuits that would impair – not support – our emissions reductions goals. And it is unconstitutional – with the Legislature ignoring its duty to craft policy and enact actual global warming solutions on one hand and unconstitutionally usurping the Executive Branch role to execute the laws on the other. Unlike other boards and commissions, this Council would be constructed in a way that allows them to require action without the consensus or participation of the Executive Branch. Not just a majority, but a quorum of the body is composed of Legislative appointees and the Executive Branch rulemaking function, which “shall” be performed under the “guidance” of the Council, is relegated to a ministerial act to codify the Council's Plan. The Council's Plan would not need to be passed by both houses of the Legislature, nor presented to the Governor for approval.

I have also consistently, and repeatedly, noted that our recent work on a comprehensive clean water plan is a proven model. The most valuable lesson of our clean water approach is that, with careful work, tied to specific outcomes, we can develop, fund, and implement a plan that has *both* positive economic and environmental results. H.688 does not follow this model.

More specifically, our work on clean water included carefully inventorying what we were already doing, identifying where gaps existed and what needs to be done, honestly estimating costs, and putting in place a funding strategy that we can demonstrate is both affordable and sustainable for Vermonters.

We should use this model for climate change work from the start – not after costly litigation. Because, while our recent clean water work has been a

success, the fact is it took nearly two decades to reach this point with early attempts delayed by expensive and unnecessary litigation and the uncertainty those suits created.

H.688 as passed puts us on the same costly path the clean water work followed from 2002 to 2016, rather than the productive work that followed. And to what end? To send the state back to the drawing board. Again, no solutions. We simply do not have time for this sort of delay, or taxpayer money or state resources, to waste on attorneys' fees and avoidable lawsuits that divert time and money from addressing climate change.

The legal, policy, modeling and research necessary to develop the statutory, budget, management, and regulatory proposals the Plan envisions, in the timeframe set, will require significant staffing and resources – work and positions that have not been funded by the Legislature. I recognize the House has included some onetime funding in its version of the FY21 budget, but this is onetime funding and it is unlikely to be sufficient. There are also no guarantees a final budget will include those resources. Given the Senate previously removed funding for this legislation and the House concurred with those changes passage of the proper funding seems uncertain at best.

To prioritize the emission reductions necessary to address climate change, we need to learn the lessons of building a comprehensive clean water plan. H.688, as written, will lead to inefficient spending and long, costly court battles, not the tangible investments in climate-resilient infrastructure, and affordable weatherization and clean transportation options that Vermonters need.

In January, I proposed applying a portion of the revenues from the efficiency charge toward electrification of the transportation sector, our largest contributor to global warming. This month the Legislature passed S.337, *An act relating to energy efficiency entities and programs to reduce greenhouse gas emissions in the thermal energy and transportation sectors*. S.337 is consistent with that direction, as well as with strategic goals in Vermont's 2016 Comprehensive Energy Plan and the goals of the Climate Action Commission. This bill exemplifies the type of practical and concrete solutions we need and can implement without additional costs to Vermonters.

These are the types of measures that have immediate impact on fighting global warming.

While I am vetoing H.688, I hope the Legislature will revisit it before it adjourns, or at the very least in January, using my input and what we have learned from our clean water work to make it better.

In the meantime, I will ask that the Legislature send me S.337 forthwith so we can take a valuable step forward.

Sincerely,

/s/Philip B. Scott  
Governor

PBS/kp”

**Senate Bill Recommended**

**S. 191.**

Senate bill entitled:

An act relating to tax increment financing districts.

Was taken up.

Thereupon, pending second reading of the bill, on motion of Senator Ashe, the bill was recommitted to the Committee on Finance.

**Senate Bill Recommended**

**S. 287.**

Senate bill entitled:

An act relating to the contractual rights of members of the Vermont State Employees' Retirement System.

Was taken up.

Thereupon, pending second reading of the bill, on motion of Senator Ashe, the bill was recommitted to the Committee on Government Operations.

**Senate Bill Recommended**

**S. 297.**

Senate bill entitled:

An act relating to the Agency of Health Care Administration.

Was taken up.

Thereupon, pending second reading of the bill, on motion of Senator Ashe, the bill was recommitted to the Committee on Health and Welfare.

**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 Appropriations:

**H. 607.** An act relating to increasing the supply of nurses and primary care providers in Vermont.

**H. 611.** An act relating to the Older Vermonters Act.

**Bill Passed in Concurrence with Proposals of Amendment**

**H. 934.**

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

An act relating to renter rebate reform.

**Third Reading Ordered**

**S. 354.**

Senate committee bill entitled:

An act relating to emergency provisions for the operation of government.

Having appeared on the Calendar for notice for one day, was taken up.

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

**Proposal of Amendment; Third Reading Ordered**

**H. 795.**

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

An act relating to increasing hospital price transparency.

Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 4, effective dates, in its entirety and inserting in lieu thereof nine new sections to be numbered Secs. 4 through Secs. 12 to read as follows:

**Sec. 4. HOSPITAL SUSTAINABILITY PLANNING; REPORTS**

(a)(1) The Green Mountain Care Board shall consider ways to increase the financial sustainability of Vermont hospitals in order to achieve population-based health improvements while maintaining community access to services. In conducting this work, the Board shall consult with the Director of Health Care Reform in the Agency of Human Services, Vermont hospitals, the Vermont Association of Hospitals and Health Systems, certified accountable care organizations, the Office of the Health Care Advocate, and other interested stakeholders.

(2) All information submitted by hospitals for purposes of hospital sustainability planning pursuant to this section shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except for:

(A) information compiled by the Board in summary or aggregate form;

(B) materials provided to the Board in connection with the health resource allocation plan; and

(C) information that is available to the public in connection with a hospital budget review in accordance with 18 V.S.A. § 9457.

(3) All materials submitted to the Board pursuant to this section shall be provided to the Office of the Health Care Advocate, which shall not further disclose any confidential information.

(b) On or before November 15, 2020, the Board shall inform the Health Reform Oversight Committee about its consideration to date of ways to increase hospital financial sustainability as set forth in subdivision (a)(1) of this section.

(c) On or before April 1, 2021, the Board shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance an update on its progress in considering and developing recommendations for increasing hospital financial sustainability as set forth in subdivision (a)(1) of this section.

(d)(1) On or before September 1, 2021, the Board shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance its final recommendations for increasing the financial sustainability of Vermont hospitals in order to achieve population-based health improvements while maintaining community access to essential services.

(2) In the event that the COVID-19 pandemic makes it impracticable for the Board to submit its recommendations by the date specified in subdivision (1) of this subsection, the Board shall provide an update on its progress by September 1, 2021 and shall make best efforts to submit its final recommendations in a timely manner but not later than November 15, 2021.

#### Sec. 5. PROVIDER SUSTAINABILITY AND REIMBURSEMENTS; REPORTS

(a) The Green Mountain Care Board, in collaboration with the Department of Financial Regulation, the Department of Vermont Health Access, and the Director of Health Care Reform in the Agency of Human Services, shall identify processes for improving provider sustainability and increasing equity



in reimbursement amounts among providers. In evaluating potential processes, the Board's considerations shall include:

- (1) care settings;
- (2) value-based payment methodologies, such as capitation;
- (3) Medicare payment methodologies;
- (4) public and private reimbursement amounts; and
- (5) variations in payer mix among different types of providers.

(b) On or before November 15, 2020, the Board shall provide an update to the Health Reform Oversight Committee regarding its progress in identifying processes for improving provider sustainability and increasing equity in reimbursement amounts among providers.

(c) On or before March 15, 2021, the Board shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance the options that the Board has identified as demonstrating the greatest potential for improving provider sustainability and increasing equity in reimbursement amounts among providers and shall identify areas that would require further study prior to implementation.

Sec. 6. 8 V.S.A. § 4062 is amended to read:

§ 4062. FILING AND APPROVAL OF POLICY FORMS AND PREMIUMS

\* \* \*

(b)(1) In conjunction with a rate filing required by subsection (a) of this section, an insurer shall file a plain language summary of the proposed rate. All summaries shall include a brief justification of any rate increase requested, the information that the Secretary of the U.S. Department of Health and Human Services (HHS) requires for rate increases over 10 percent, and any other information required by the Board. The plain language summary shall be in the format required by the Secretary of HHS pursuant to the Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, and shall include notification of the public comment period established in subsection (c) of this section. In addition, the insurer shall post the summaries on its website.

\* \* \*

(3)(A) Upon request, in conjunction with a rate filing required by subsection (a) of this section, an insurer shall provide to the Board detailed information about the insurer's payments to specific providers, which may

include fee schedules, payment methodologies, and other payment information specified by the Board.

(B) Information received from an insurer pursuant to subdivision (A) of this subdivision shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except that the Board may disclose or release information publicly in summary or aggregate form if doing so would not disclose trade secrets, as defined in 1 V.S.A. § 317(c)(9). Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption established in this subdivision (B) shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e).

(C) Notwithstanding 1 V.S.A. chapter 5, subchapter 2 (Vermont Open Meeting Law), the Board may examine and discuss confidential information outside a public hearing or meeting.

\* \* \*

Sec. 7. [Deleted.]

Sec. 8. [Deleted.]

Sec. 9. 18 V.S.A. § 9457 is amended to read:

§ 9457. INFORMATION AVAILABLE TO THE PUBLIC

(a)(1) All information required to be filed under this subchapter shall be made available to the public upon request, ~~provided that~~ in accordance with 1 V.S.A. chapter 5, subchapter 3 (Public Records Act), except that the following information shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential:

(A) information that directly or indirectly identifies individual patients or health care practitioners shall not be directly or indirectly identifiable;

(B) reimbursement information, except that the Board may disclose or release information publicly in summary or aggregate form if doing so would not disclose trade secrets, as defined in 1 V.S.A. § 317(c)(9); and

(C) sensitive financial information the Board collects to address concerns related to financial solvency or to sustainability issues.

(2) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemptions created in this subsection shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e).

(3) The Board shall provide guidance regarding which information it shall keep confidential. In developing this guidance, the Board shall seek to

balance concerns related to the disclosure of sensitive information with the public's interest in transparency. In addition to the information specified in the guidance, a hospital may request that the Board keep other information confidential, to the extent that doing so would be consistent with this section and the Public Records Act.

(b) Notwithstanding 1 V.S.A. chapter 5, subchapter 2 (Vermont Open Meeting Law) or any provision of this subchapter to the contrary, the Board may examine and discuss confidential information outside a public hearing or meeting.

Sec. 10. 2020 Acts and Resolves No. 91, Sec. 8, as amended by 2020 Acts and Resolves No. 140, Sec. 13, is further amended to read:

Sec. 8. ACCESS TO HEALTH CARE SERVICES; DEPARTMENT OF FINANCIAL REGULATION; EMERGENCY RULEMAKING

It is the intent of the General Assembly to increase Vermonters' access to medically necessary health care services during and after a declared state of emergency in Vermont as a result of COVID-19. Until July 1, 2021, and notwithstanding any provision of 3 V.S.A. § 844 to the contrary, the Department of Financial Regulation shall consider adopting, and shall have the authority to adopt, emergency rules to address the following through June 30, 2021:

(1) expanding health insurance coverage for, and waiving or limiting cost-sharing requirements directly related to, COVID-19 the diagnosis of COVID-19, including tests for influenza, pneumonia, and other respiratory viruses performed in connection with making a COVID-19 diagnosis; the treatment, of COVID-19 when it is the primary or a secondary diagnosis; and the prevention of COVID-19;

(2) modifying or suspending health insurance plan deductible requirements for all prescription drugs, except to the extent that such an action would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223; and

(3) expanding patients' access to and providers' reimbursement for health care services, including preventive services, consultation services, and services to new patients, delivered remotely through telehealth, audio-only telephone, and brief telecommunication services.

Sec. 11. 2020 Acts and Resolves No. 140, Sec. 4 is amended to read:

Sec. 4. MENTAL HEALTH INTEGRATION COUNCIL; REPORT

\* \* \*

(f) Meetings.

(1) The Commissioner of Mental Health shall call the first meeting of the Council.

(2) The Commissioner of Mental Health shall serve as chair. The Commissioner of Health shall serve as vice chair.

(3) The Council shall meet every other month between ~~October 1, 2020~~ January 15, 2021 and January 1, 2023.

(4) The Council shall cease to exist on July 30, 2023.

\* \* \*

Sec. 12. EFFECTIVE DATES

(a) Sec. 2 (18 V.S.A. § 9411) shall take effect on November 1, 2020, with the interactive price transparency dashboard becoming available for use by the public as soon as it is operational, but in no event later than February 15, 2022.

(b) Secs. 6 (8 V.S.A. § 4062) and 9 (18 V.S.A. § 9457) shall take effect on November 1, 2020.

(c) The remaining sections shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to hospital price transparency, hospital sustainability planning, provider sustainability and reimbursements, and regulators' access to information.

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. 926.**

Senator Bray, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to changes to Act 250.

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:

\* \* \* Trails \* \* \*

Sec. 1. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

\* \* \*

(38) “Recreational trail” has the same meaning as “trails” in subdivision 442(3) of this title.

(39) “Vermont trails system trail” means a recreational trail recognized by the Agency of Natural Resources pursuant to chapter 20 of this title. For purposes of this chapter, the construction, operation, and maintenance of a Vermont trails system trail shall be for a municipal, county, or State purpose.

Sec. 2. 10 V.S.A. § 442(3) is amended to read:

(3) “Trails” means land used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other similar activities. Trails may be used for recreation, transportation, and other compatible purposes, but the primary purpose shall not be the operation of a motor vehicle. As used in this subdivision, “motor vehicle” shall not include all-terrain vehicles or snowmobiles.

Sec. 3. 10 V.S.A. § 6001(3)(A) is amended to read:

(3)(A) “Development” means each of the following:

\* \* \*

(xi) The construction of improvements for a Vermont trails system trail on a tract or tracts of land involving more than 10 acres.

(I) This subdivision (xi) shall be the exclusive mechanism for determining jurisdiction over a recreational trail that is a Vermont trails system trail and shall only apply to the construction of improvements made on or after October 1, 2020.

(II) For purposes of this subdivision (xi), involved land includes:

(aa) land that is physically altered, including any ground disturbance and clearing that will occur; and

(bb) infrastructure that is incidental to the operation of the trail, including restrooms, parking areas, shelters, picnic areas, kiosks, and interpretive and directional signage.

(III) For purposes of this subdivision (xi), involved land does not include land where no ground will be disturbed or cleared or any Vermont trails system trail constructed before October 1, 2020.

Sec. 4. 10 V.S.A. § 6001(3)(C) is amended to read:

(C) For the purposes of determining jurisdiction under subdivision (3)(A) of this section, the following shall apply:

\* \* \*

(vi) Recreational trails. When jurisdiction over a trail has been established pursuant to subdivision (A) of this subdivision (3), jurisdiction shall extend only to the recreational trail and infrastructure that is incidental to the operation of the trail. Jurisdiction shall not extend to the remainder of a parcel or parcels where a recreational trail is located, unless otherwise determined to be jurisdictional pursuant to another provision of this chapter.

Sec. 5. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

\* \* \*

(y) No permit or permit amendment shall be required for the construction of improvements on a tract of land that would provide access across a recreational trail, provided that the access is not related to the use of the permitted recreational trail and would not establish jurisdiction under this chapter on its own.

(z) Notwithstanding 1 V.S.A. §§ 213 and 214, and until January 1, 2022, no permit is required for a Vermont trails system trail recognized pursuant to chapter 20 of this title if the trail was in existence prior to October 1, 2020.

Sec. 6. RECREATIONAL TRAILS RECOMMENDATIONS AND REPORT

On or before January 15, 2021, the Agency of Natural Resources shall report to the House Committee on Natural Resources, Fish, and Wildlife and to the Senate Committee on Natural Resource and Energy with legislative recommendations for a best management practices driven program for Vermont trails system trails that is administered by the Agency of Natural Resources. The report shall include recommendations for revisions to 10 V.S.A. chapter 20, including revisions to mapping, legislative authority to administer the program, potential funding sources, staffing needs, and whether to include other recreational trails. The Agency of Natural Resources shall consult with stakeholders on the proposed program, including the Vermont Trail Alliance, the Forest Partnership, and the Vermont Agency of Transportation.

## Sec. 7. PROSPECTIVE REPEAL

10 V.S.A. § 6001(3)(A)(xi) shall be repealed on January 1, 2022.

\* \* \* Forest Blocks \* \* \*

Sec. 8. 10 V.S.A. § 6001 is amended to read:

## § 6001. DEFINITIONS

\* \* \*

(40) “Connecting habitat” means land or water, or both, that links patches of habitat within a landscape, allowing the movement, migration, and dispersal of wildlife and plants and the functioning of ecological processes. A connecting habitat may include features including recreational trails and improvements constructed for farming, logging, or forestry purposes.

(41) “Forest block” means a contiguous area of forest in any stage of succession and not currently developed for nonforest use. A forest block may include features including recreational trails, wetlands, or other natural features that do not themselves possess tree cover and improvements constructed for farming, logging, or forestry purposes.

(42) “Habitat” means the physical and biological environment in which a particular species of plant or wildlife lives.

Sec. 9. 10 V.S.A. § 6086(a)(8) is amended to read:

(8) Ecosystem protection; scenic beauty; historic sites.

(A) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

~~(A)~~(B) Necessary wildlife habitat and endangered species. A permit will not be granted if it is demonstrated by any party opposing the applicant that a development or subdivision will destroy or significantly imperil necessary wildlife habitat or any endangered species; and

(i) the economic, social, cultural, recreational, or other benefit to the public from the development or subdivision will not outweigh the economic, environmental, or recreational loss to the public from the destruction or imperilment of the habitat or species; or

(ii) all feasible and reasonable means of preventing or lessening the destruction, diminution, or imperilment of the habitat or species have not been or will not continue to be applied; or

(iii) a reasonably acceptable alternative site is owned or controlled by the applicant which that would allow the development or subdivision to fulfill its intended purpose.

(C) Will not have an undue adverse impact on forest blocks and connecting habitat. A permit shall be granted only if impacts to forest blocks and connecting habitat are avoided, minimized, and mitigated in accordance with rules adopted by the Board.

#### Sec. 10. CRITERION 8(C) RULEMAKING

(a) The Natural Resources Board (Board), in consultation with the Agency of Natural Resources shall adopt rules pursuant to 3 V.S.A. chapter 25 to implement the requirements for the administration of 10 V.S.A. § 6086(a)(8)(C). Rules adopted by the Board shall include:

(1) How forest blocks and connecting habitat are further defined, including their size, location, and function, which may include:

(A) information that will be available to the public to determine where forest blocks and connecting habitat are located; or

(B) advisory mapping resources, how they will be made available, how they will be used, and how they will be updated.

(2) Standards establishing how impacts can be avoided, minimized, or mitigated, including how fragmentation of forest blocks or connecting habitat is avoided or minimized, which may include steps to promote proactive site design of buildings, roadways and driveways, utility location, and location relative to existing features such as roads, tree lines, and fence lines. As used in this subdivision, "fragmentation" means the division or conversion of a forest block or connecting habitat by the separation of a parcel into two or more parcels; the construction, conversion, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill; and any change in the use of any building or other structure, or land, or extension of use of land. However, fragmentation does not include the division or conversion of a forest block or connecting habitat by a recreational trail or by improvements constructed for farming, logging, or forestry purposes below the elevation of 2,500 feet.

(3) Criteria to identify when a forest block or connecting habitat is eligible for mitigation, and criteria to identify when a forest block or connecting habitat is not eligible for mitigation due to the unique value of the area and need to maintain the functionality of the forest block or connecting habitat.



(4) Standards for how impacts to a forest block or connecting habitat may be mitigated. Standards may include:

(A) appropriate ratios for compensation;

(B) appropriate forms of compensation such as conservation easements, fee interests in land, and other forms of compensation; and

(C) appropriate uses and limitations of on-site and off-site mitigation.

(b) Prior to prefilng with the Interagency Committee on Administrative Rules, the Board shall convene a working group to gather input on the rule. The working group shall ensure broad, inclusive, and transparent engagement with the public, which shall include a broad range of stakeholders and interested parties. The Board shall convene the working group on or before March 15, 2021.

(c) The Board shall file a final proposed rule with the Secretary of State and Legislative Committee on Administrative Rules on or before August 15, 2022.

Sec. 11. 10 V.S.A. § 127 is amended to read:

§ 127. RESOURCE MAPPING

(a) ~~On or before January 15, 2013, the~~ The Secretary of Natural Resources ~~(the Secretary)~~ shall complete and maintain resource mapping based on the Geographic Information System (GIS) ~~or other technology~~. The mapping shall identify natural resources throughout the State, including forest blocks, that may be relevant to the consideration of energy projects and projects subject to chapter 151 of this title. The Center for Geographic Information shall be available to provide assistance to the Secretary in carrying out the GIS-based resource mapping.

(b) The Secretary of ~~Natural Resources~~ shall consider the GIS-based resource maps developed under subsection (a) of this section when providing evidence and recommendations to the Public Utility Commission under 30 V.S.A. § 248(b)(5) and when commenting on or providing recommendations under chapter 151 of this title to District Commissions on other projects.

(c) The Secretary shall establish and maintain written procedures that include a process and science-based criteria for updating resource maps developed under subsection (a) of this section. Before establishing or revising these procedures, the Secretary shall provide opportunities for affected parties and the public to submit relevant information and recommendations.

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

Sec. 12. EFFECTIVE DATES

This act shall take effect on October 1, 2020, except that Sec. 9, 10 V.S.A. § 6086(a)(8), shall take effect on September 1, 2022.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee of Natural Resources and Energy?, Senator Parent requested pursuant to Rule 67 that the question be divided and that Secs 1 through 7 and Sec. 12 be voted on *first* and Secs. 8 through 11 be voted on *second*.

Thereupon, Senator Bray moved that Secs. 8 through 11 be voted on *first* which was agreed to on a roll call, Yeas 22, Nays 8.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Balint, Baruth, Bray, Campion, Clarkson, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Perchlik, Pollina, Sears, Sirotkin, White.

**Those Senators who voted in the negative were:** Benning, Brock, Collamore, McNeil, Parent, Rodgers, Starr, Westman.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Natural Resources and Energy in Secs. 8 through 11 was agreed to on a roll call, Yeas 24, Nays 6.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Balint, Baruth, Benning, Bray, Campion, Clarkson, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Pearson, Perchlik, Pollina, Sears, Sirotkin, White.

**Those Senators who voted in the negative were:** Brock, Collamore, Parent, Rodgers, Starr, Westman.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Natural Resources and Energy

in Secs. 1 through 7 and Sec. 12 was agreed to on a roll call, Yeas 30, Nays 0.

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

### **Roll Call**

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

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

Thereupon, third reading of the bill was ordered.

### **Rules Suspended; Bill Messaged**

On motion of Senator Ashe, the rules were suspended, and the following bill was ordered messaged to the House forthwith:

#### **H.934.**

### **Message from the House No. 77**

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

Mr. President:

I am directed to inform the Senate that:

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

**J.R.S. 64.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

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

**H. 967.** An act relating to the provision of child care at family child care homes during remote learning days.

And has severally concurred therein.

### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, September 17, 2020.

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**THURSDAY, SEPTEMBER 17, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey. J. Parent
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina

Windham District

Senator Jeanette K. White

Windsor District

Senator Alison Clarkson

Senator Richard J. McCormack

Senator Alice W. Nitka

**Rules Suspended; Proposal of Amendment; Third Reading Ordered**

**H. 969.**

Appearing on the Calendar for notice, on motion of Senator Ashe, the rules were suspended and House bill entitled:

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

Was taken up for immediate consideration.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, 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. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2021 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2021. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those that can be supported by funds appropriated in this act or other acts passed prior to June 30, 2020. Agency and department heads are directed to implement staffing and service levels in fiscal year 2021 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serves as the primary source and reference for appropriations for fiscal year 2021.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent

errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending on June 30, 2021.

Sec. A.102.1 RELATIONSHIP WITH 2020 ACTS AND RESOLVES  
NO. 120; REPEALS

(a) In order to respond promptly to the impact of the COVID-19 pandemic on the State of Vermont and its economy, the General Assembly enacted 2020 Acts and Resolves No. 120 in July 2020 to support the operations of State government during the first quarter of fiscal year 2021. Since that time, it has become apparent that it is preferable to enact appropriations to support the operations of State government for the entirety of fiscal year 2021, and certain appropriations from 2020 Acts and Resolves No. 120 must be repealed as set forth in subsection (b) of this section in order to provide for the full-year appropriations.

(b) The following are repealed on October 1, 2020:

(1) 2020 Acts and Resolves No. 120, Sec. A.3(a) (appropriations for the first quarter of fiscal year 2021);

(2) 2020 Acts and Resolves No. 120, Sec. A.4 (Phase I prorated appropriations fiscal year 2021 first quarter);

(3) the language following 2020 Acts and Resolves No. 120, Sec. A.6 but preceding Sec. A.7 (budgetary specifications and amounts); and

(4) 2020 Acts and Resolves No. 120, Sec. A.54(b) (narrative portions apply only to first quarter of fiscal year 2021).

(c) In the event of a conflict between the provisions of this act and the provisions of 2020 Acts and Resolves No. 120, the provisions of this act shall control.

Sec. A.103 DEFINITIONS

(a) As used in this act:

(1) “Encumbrances” means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The Commissioner of Finance and Management shall make final decisions on the appropriateness of encumbrances.

(2) “Grants” means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to

persons who are not wards of the State for services or supplies and means cash or other direct assistance, including pension contributions.

(3) "Operating expenses" means property management; repair and maintenance; rental expenses; insurance; postage; travel; energy and utilities; office and other supplies; equipment, including motor vehicles, highway materials, and construction; expenditures for the purchase of land and construction of new buildings and permanent improvements; and similar items.

(4) "Personal services" means wages and salaries, fringe benefits, per diems, contracted third-party services, and similar items.

#### Sec. A.104 RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

#### Sec. A.105 OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the State appropriations shall control, notwithstanding receipts being greater or less than anticipated.

#### Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2021, the Governor, with the approval of the General Assembly or the Joint Fiscal Committee if the General Assembly is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The Governor, with the approval of the General Assembly or the Joint Fiscal Committee if the General Assembly is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2021, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2020 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for not more than 45 days prior to Legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor's request for approval.

## Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(a)(11), shall not be increased during fiscal year 2021 except for new positions authorized by the 2020 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

## Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriations of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations or government functions, or both. The function areas by section numbers are as follows:

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community Development</u>
<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>
<u>B.1000–B.1099 and E.1000–E.1099</u>	<u>Debt Service</u>
<u>B.1100–B.1199 and E.1100–E.1199</u>	<u>One-time and other appropriation actions</u>

(b) The D sections contain fund transfers and reserve allocations for the upcoming budget year, the F section contains legislative intent for Pay Act, and the G section amends the Transportation Bill.

## Sec. B.100 Secretary of administration - secretary's office

Personal services	1,161,363
Operating expenses	<u>222,403</u>
Total	1,383,766
Source of funds	
General fund	862,455



Special funds	169,000
Internal service funds	173,452
Interdepartmental transfers	<u>178,859</u>
Total	1,383,766
Sec. B.101 Secretary of administration - finance	
Personal services	1,174,127
Operating expenses	<u>138,555</u>
Total	1,312,682
Source of funds	
Interdepartmental transfers	<u>1,312,682</u>
Total	1,312,682
Sec. B.102 Secretary of administration - workers' compensation insurance	
Personal services	592,195
Operating expenses	<u>70,531</u>
Total	662,726
Source of funds	
Internal service funds	<u>662,726</u>
Total	662,726
Sec. B.103 Secretary of administration - general liability insurance	
Personal services	582,921
Operating expenses	<u>40,556</u>
Total	623,477
Source of funds	
Internal service funds	<u>623,477</u>
Total	623,477
Sec. B.104 Secretary of administration - all other insurance	
Operating expenses	<u>20,901</u>
Total	20,901
Source of funds	
Internal service funds	<u>20,901</u>
Total	20,901
Sec. B.105 Agency of digital services - communications and information technology	
Personal services	54,916,361
Operating expenses	<u>26,310,083</u>
Total	81,226,444
Source of funds	
General fund	174,342

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Special funds	387,710
Internal service funds	<u>80,664,392</u>
Total	81,226,444
Sec. B.106 Finance and management - budget and management	
Personal services	1,566,326
Operating expenses	<u>334,033</u>
Total	1,900,359
Source of funds	
General fund	1,284,367
Internal service funds	<u>615,992</u>
Total	1,900,359
Sec. B.107 Finance and management - financial operations	
Personal services	2,045,137
Operating expenses	<u>806,670</u>
Total	2,851,807
Source of funds	
Internal service funds	<u>2,851,807</u>
Total	2,851,807
Sec. B.108 Human resources - operations	
Personal services	8,314,246
Operating expenses	<u>1,294,899</u>
Total	9,609,145
Source of funds	
General fund	1,934,763
Special funds	263,589
Internal service funds	6,595,152
Interdepartmental transfers	<u>815,641</u>
Total	9,609,145
Sec. B.108.1 Human resources - VTHR operations	
Personal services	1,881,896
Operating expenses	<u>857,885</u>
Total	2,739,781
Source of funds	
Internal service funds	<u>2,739,781</u>
Total	2,739,781

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 Sec. B.109 Human resources - employee benefits & wellness

Personal services	956,824
Operating expenses	<u>599,505</u>
Total	1,556,329
Source of funds	
Internal service funds	<u>1,556,329</u>
Total	1,556,329

## Sec. B.110 Libraries

Personal services	2,034,994
Operating expenses	1,125,460
Grants	<u>207,510</u>
Total	3,367,964
Source of funds	
General fund	2,007,822
Special funds	107,828
Federal funds	1,153,855
Interdepartmental transfers	<u>98,459</u>
Total	3,367,964

## Sec. B.111 Tax - administration/collection

Personal services	16,057,851
Operating expenses	<u>5,969,247</u>
Total	22,027,098
Source of funds	
General fund	19,989,515
Special funds	1,680,474
Federal Coronavirus Relief Fund	323,000
Interdepartmental transfers	<u>34,109</u>
Total	22,027,098

## Sec. B.112 Buildings and general services - administration

Personal services	705,098
Operating expenses	<u>113,692</u>
Total	818,790
Source of funds	
Interdepartmental transfers	<u>818,790</u>
Total	818,790

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Sec. B.113 Buildings and general services - engineering	
Personal services	2,634,238
Operating expenses	<u>1,481,665</u>
Total	4,115,903
Source of funds	
Interdepartmental transfers	<u>4,115,903</u>
Total	4,115,903
Sec. B.114 Buildings and general services - information centers	
Personal services	3,351,401
Operating expenses	<u>2,024,480</u>
Total	5,375,881
Source of funds	
General fund	630,652
Transportation fund	3,911,594
Special funds	473,635
Federal Coronavirus Relief Fund	<u>360,000</u>
Total	5,375,881
Sec. B.115 Buildings and general services - purchasing	
Personal services	1,156,061
Operating expenses	<u>182,508</u>
Total	1,338,569
Source of funds	
General fund	1,240,679
Interdepartmental transfers	<u>97,890</u>
Total	1,338,569
Sec. B.116 Buildings and general services - postal services	
Personal services	719,120
Operating expenses	<u>205,867</u>
Total	924,987
Source of funds	
General fund	82,511
Internal service funds	<u>842,476</u>
Total	924,987

## Sec. B.117 Buildings and general services - copy center

Personal services	795,615
Operating expenses	<u>141,332</u>
Total	936,947
Source of funds	
Internal service funds	<u>936,947</u>
Total	936,947

## Sec. B.118 Buildings and general services - fleet management services

Personal services	730,622
Operating expenses	<u>205,336</u>
Total	935,958
Source of funds	
Internal service funds	<u>935,958</u>
Total	935,958

## Sec. B.119 Buildings and general services - federal surplus property

Operating expenses	<u>6,840</u>
Total	6,840
Source of funds	
Enterprise funds	<u>6,840</u>
Total	6,840

## Sec. B.120 Buildings and general services - state surplus property

Personal services	307,143
Operating expenses	<u>120,366</u>
Total	427,509
Source of funds	
Internal service funds	<u>427,509</u>
Total	427,509

## Sec. B.121 Buildings and general services - property management

Personal services	1,312,169
Operating expenses	<u>2,044,693</u>
Total	3,356,862
Source of funds	
Federal Coronavirus Relief Fund	1,583,332
Internal service funds	<u>1,773,530</u>
Total	3,356,862

## Sec. B.122 Buildings and general services - fee for space

Personal services	16,527,274
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Operating expenses	<u>14,546,673</u>
Total	31,073,947
Source of funds	
Federal Coronavirus Relief Fund	1,508,433
Internal service funds	<u>29,565,514</u>
Total	31,073,947
Sec. B.124 Executive office - governor's office	
Personal services	1,416,509
Operating expenses	<u>438,761</u>
Total	1,855,270
Source of funds	
General fund	1,657,770
Interdepartmental transfers	<u>197,500</u>
Total	1,855,270
Sec. B.125 Legislative counsel	
Personal services	2,992,514
Operating expenses	<u>195,019</u>
Total	3,187,533
Source of funds	
General fund	<u>3,187,533</u>
Total	3,187,533
Sec. B.126 Legislature	
Personal services	4,920,731
Operating expenses	<u>3,770,358</u>
Total	8,691,089
Source of funds	
General fund	<u>8,691,089</u>
Total	8,691,089
Sec. B.126.1 Legislative information technology	
Personal services	821,918
Operating expenses	<u>597,901</u>
Total	1,419,819
Source of funds	
General fund	<u>1,419,819</u>
Total	1,419,819
Sec. B.127 Joint fiscal committee	
Personal services	1,938,162
Operating expenses	<u>155,608</u>

Total	2,093,770
Source of funds	
General fund	<u>2,093,770</u>
Total	2,093,770
Sec. B.128 Sergeant at arms	
Personal services	844,931
Operating expenses	<u>106,888</u>
Total	951,819
Source of funds	
General fund	<u>951,819</u>
Total	951,819
Sec. B.129 Lieutenant governor	
Personal services	232,147
Operating expenses	<u>31,744</u>
Total	263,891
Source of funds	
General fund	<u>263,891</u>
Total	263,891
Sec. B.130 Auditor of accounts	
Personal services	3,450,125
Operating expenses	<u>132,055</u>
Total	3,582,180
Source of funds	
General fund	314,921
Special funds	53,145
Internal service funds	<u>3,214,114</u>
Total	3,582,180
Sec. B.131 State treasurer	
Personal services	3,922,112
Operating expenses	<u>215,303</u>
Total	4,137,415
Source of funds	
General fund	975,600
Special funds	3,021,695
Interdepartmental transfers	<u>140,120</u>
Total	4,137,415
Sec. B.132 State treasurer - unclaimed property	
Personal services	722,425

Operating expenses	<u>412,394</u>
Total	1,134,819
Source of funds	
Private purpose trust funds	<u>1,134,819</u>
Total	1,134,819
Sec. B.133 Vermont state retirement system	
Personal services	4,221,259
Operating expenses	<u>1,451,382</u>
Total	5,672,641
Source of funds	
Pension trust funds	<u>5,672,641</u>
Total	5,672,641
Sec. B.134 Municipal employees' retirement system	
Personal services	1,669,165
Operating expenses	<u>929,754</u>
Total	2,598,919
Source of funds	
Pension trust funds	<u>2,598,919</u>
Total	2,598,919
Sec. B.135 State labor relations board	
Personal services	243,590
Operating expenses	<u>52,873</u>
Total	296,463
Source of funds	
General fund	286,887
Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	296,463
Sec. B.136 VOSHA review board	
Personal services	77,400
Operating expenses	<u>13,899</u>
Total	91,299
Source of funds	
General fund	45,650
Interdepartmental transfers	<u>45,649</u>
Total	91,299
Sec. B.136.1 Ethics Commission	
Personal services	85,030



Operating expenses	<u>28,287</u>
Total	113,317
Source of funds	
Internal service funds	<u>113,317</u>
Total	113,317
Sec. B.137 Homeowner rebate	
Grants	<u>17,100,000</u>
Total	17,100,000
Source of funds	
General fund	<u>17,100,000</u>
Total	17,100,000
Sec. B.138 Renter rebate	
Grants	<u>9,500,000</u>
Total	9,500,000
Source of funds	
General fund	<u>9,500,000</u>
Total	9,500,000
Sec. B.139 Tax department - reappraisal and listing payments	
Grants	<u>3,310,000</u>
Total	3,310,000
Source of funds	
General fund	<u>3,310,000</u>
Total	3,310,000
Sec. B.140 Municipal current use	
Grants	<u>16,985,000</u>
Total	16,985,000
Source of funds	
General fund	<u>16,985,000</u>
Total	16,985,000
Sec. B.142 Payments in lieu of taxes	
Grants	<u>9,250,000</u>
Total	9,250,000
Source of funds	
Special funds	<u>9,250,000</u>
Total	9,250,000
Sec. B.143 Payments in lieu of taxes - Montpelier	
Grants	<u>184,000</u>

Total	184,000
Source of funds	
Special funds	<u>184,000</u>
Total	184,000
Sec. B.144 Payments in lieu of taxes - correctional facilities	
Grants	<u>40,000</u>
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000
Sec. B.145 Total general government	
Source of funds	
General fund	94,990,855
Transportation fund	3,911,594
Special funds	15,637,864
Federal Coronavirus Relief Fund	3,774,765
Federal funds	1,153,855
Internal service funds	134,313,374
Interdepartmental transfers	7,858,390
Enterprise funds	6,840
Pension trust funds	8,271,560
Private purpose trust funds	<u>1,134,819</u>
Total	271,053,916
Sec. B.200 Attorney general	
Personal services	11,024,159
Operating expenses	1,501,091
Grants	<u>26,500</u>
Total	12,551,750
Source of funds	
General fund	5,622,679
Special funds	1,889,888
Tobacco fund	348,000
Federal Coronavirus Relief Fund	65,000
Federal funds	1,427,372
Interdepartmental transfers	<u>3,198,811</u>
Total	12,551,750
Sec. B.201 Vermont court diversion	
Personal services	<u>2,892,018</u>
Total	2,892,018

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Source of funds	
General fund	2,634,021
Special funds	<u>257,997</u>
Total	2,892,018
Sec. B.202 Defender general - public defense	
Personal services	12,545,480
Operating expenses	<u>1,238,697</u>
Total	13,784,177
Source of funds	
General fund	13,194,524
Special funds	<u>589,653</u>
Total	13,784,177
Sec. B.203 Defender general - assigned counsel	
Personal services	5,624,532
Operating expenses	<u>49,819</u>
Total	5,674,351
Source of funds	
General fund	<u>5,674,351</u>
Total	5,674,351
Sec. B.204 Judiciary	
Personal services	42,721,022
Operating expenses	10,250,953
Grants	<u>121,030</u>
Total	53,093,005
Source of funds	
General fund	46,927,245
Special funds	3,182,775
Federal funds	887,586
Interdepartmental transfers	<u>2,095,399</u>
Total	53,093,005
Sec. B.205 State's attorneys	
Personal services	14,153,831
Operating expenses	<u>1,887,257</u>
Total	16,041,088
Source of funds	
General fund	13,075,933
Special funds	75,502
Federal funds	232,812

Interdepartmental transfers	<u>2,656,841</u>
Total	16,041,088
Sec. B.206 Special investigative unit	
Personal services	91,700
Grants	<u>2,008,730</u>
Total	2,100,430
Source of funds	
General fund	<u>2,100,430</u>
Total	2,100,430
Sec. B.207 Sheriffs	
Personal services	4,207,301
Operating expenses	<u>427,938</u>
Total	4,635,239
Source of funds	
General fund	<u>4,635,239</u>
Total	4,635,239
Sec. B.208 Public safety - administration	
Personal services	3,814,172
Operating expenses	5,170,877
Grants	<u>200,000</u>
Total	9,185,049
Source of funds	
General fund	5,115,145
Special funds	5,000
Federal funds	567,444
Interdepartmental transfers	<u>3,497,460</u>
Total	9,185,049
Sec. B.209 Public safety - state police	
Personal services	59,804,906
Operating expenses	11,932,334
Grants	<u>1,693,707</u>
Total	73,430,947
Source of funds	
General fund	28,156,891
Transportation fund	13,350,000
Special funds	3,145,278
Federal Coronavirus Relief Fund	21,790,000
Federal funds	<u>5,023,746</u>

Interdepartmental transfers	<u>1,965,032</u>
Total	73,430,947
Sec. B.210 Public safety - criminal justice services	
Personal services	4,408,296
Operating expenses	<u>1,736,361</u>
Total	6,144,657
Source of funds	
General fund	1,875,235
Special funds	3,422,917
Federal funds	<u>846,505</u>
Total	6,144,657
Sec. B.211 Public safety - emergency management	
Personal services	3,348,216
Operating expenses	1,058,257
Grants	<u>6,837,088</u>
Total	11,243,561
Source of funds	
General fund	591,482
Special funds	710,000
Federal funds	<u>9,942,079</u>
Total	11,243,561
Sec. B.212 Public safety - fire safety	
Personal services	6,758,594
Operating expenses	2,709,174
Grants	<u>107,000</u>
Total	9,574,768
Source of funds	
General fund	471,233
Special funds	8,578,330
Federal funds	480,205
Interdepartmental transfers	<u>45,000</u>
Total	9,574,768
Sec. B.213 Public safety - Forensic Laboratory	
Personal services	3,062,738
Operating expenses	<u>1,153,797</u>
Total	4,216,535
Source of funds	
General fund	3,230,986
Special funds	77,518

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Federal funds	534,594
Interdepartmental transfers	<u>373,437</u>
Total	4,216,535
 Sec. B.215 Military - administration	
Personal services	824,691
Operating expenses	581,182
Grants	<u>1,362,806</u>
Total	2,768,679
Source of funds	
General fund	2,696,229
Federal Coronavirus Relief Fund	<u>72,450</u>
Total	2,768,679
 Sec. B.216 Military - air service contract	
Personal services	6,685,435
Operating expenses	<u>687,491</u>
Total	7,372,926
Source of funds	
General fund	573,198
Federal funds	<u>6,799,728</u>
Total	7,372,926
 Sec. B.217 Military - army service contract	
Personal services	36,209,910
Operating expenses	<u>7,480,579</u>
Total	43,690,489
Source of funds	
Federal funds	<u>43,690,489</u>
Total	43,690,489
 Sec. B.218 Military - building maintenance	
Personal services	857,530
Operating expenses	<u>732,049</u>
Total	1,589,579
Source of funds	
General fund	1,527,079
Special funds	<u>62,500</u>
Total	1,589,579
 Sec. B.219 Military - veterans' affairs	
Personal services	862,936
Operating expenses	154,087

Grants	<u>51,280</u>
Total	1,068,303
Source of funds	
General fund	817,206
Special funds	151,512
Federal funds	<u>99,585</u>
Total	1,068,303
Sec. B.220 Center for crime victim services	
Personal services	2,167,869
Operating expenses	406,178
Grants	<u>11,185,424</u>
Total	13,759,471
Source of funds	
General fund	1,232,712
Special funds	5,354,316
Federal funds	<u>7,172,443</u>
Total	13,759,471
Sec. B.221 Criminal justice training council	
Personal services	1,564,725
Operating expenses	<u>1,342,981</u>
Total	2,907,706
Source of funds	
General fund	2,609,420
Federal Coronavirus Relief Fund	13,000
Interdepartmental transfers	<u>285,286</u>
Total	2,907,706
Sec. B.222 Agriculture, food and markets - administration	
Personal services	1,811,267
Operating expenses	424,512
Grants	<u>257,972</u>
Total	2,493,751
Source of funds	
General fund	972,156
Special funds	886,366
Federal Coronavirus Relief Fund	209,162
Federal funds	<u>426,067</u>
Total	2,493,751

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 Sec. B.223 Agriculture, food and markets - food safety and consumer protection

Personal services	4,240,533
Operating expenses	727,159
Grants	<u>2,750,000</u>
Total	7,717,692
Source of funds	
General fund	2,859,758
Special funds	3,608,289
Federal Coronavirus Relief Fund	120,560
Federal funds	1,122,085
Interdepartmental transfers	<u>7,000</u>
Total	7,717,692

## Sec. B.224 Agriculture, food and markets - agricultural development

Personal services	2,488,190
Operating expenses	1,086,519
Grants	<u>1,394,875</u>
Total	4,969,584
Source of funds	
General fund	1,922,062
Special funds	706,100
Federal Coronavirus Relief Fund	683,806
Federal funds	<u>1,657,616</u>
Total	4,969,584

## Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship

Personal services	2,795,230
Operating expenses	612,025
Grants	<u>295,334</u>
Total	3,702,589
Source of funds	
General fund	780,733
Special funds	2,027,250
Federal Coronavirus Relief Fund	122,758
Federal funds	492,242
Interdepartmental transfers	<u>279,606</u>
Total	3,702,589



Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab

Personal services	1,653,896
Operating expenses	<u>976,775</u>
Total	2,630,671
Source of funds	
General fund	877,641
Special funds	1,613,587
Federal Coronavirus Relief Fund	74,414
Interdepartmental transfers	<u>65,029</u>
Total	2,630,671

Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,498,888
Operating expenses	506,209
Grants	<u>3,097,498</u>
Total	7,102,595
Source of funds	
General fund	1,212,113
Special funds	4,987,335
Federal Coronavirus Relief Fund	300,014
Federal funds	131,927
Interdepartmental transfers	<u>471,206</u>
Total	7,102,595

Sec. B.226 Financial regulation - administration

Personal services	2,076,246
Operating expenses	<u>287,859</u>
Total	2,364,105
Source of funds	
Special funds	<u>2,364,105</u>
Total	2,364,105

Sec. B.227 Financial regulation - banking

Personal services	1,906,394
Operating expenses	<u>437,356</u>
Total	2,343,750
Source of funds	
Special funds	<u>2,343,750</u>
Total	2,343,750

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Sec. B.228 Financial regulation - insurance	
Personal services	4,138,090
Operating expenses	<u>601,092</u>
Total	4,739,182
Source of funds	
Special funds	<u>4,739,182</u>
Total	4,739,182
Sec. B.229 Financial regulation - captive insurance	
Personal services	4,593,766
Operating expenses	<u>632,506</u>
Total	5,226,272
Source of funds	
Special funds	<u>5,226,272</u>
Total	5,226,272
Sec. B.230 Financial regulation - securities	
Personal services	1,072,526
Operating expenses	<u>258,031</u>
Total	1,330,557
Source of funds	
Special funds	<u>1,330,557</u>
Total	1,330,557
Sec. B.232 Secretary of state	
Personal services	10,076,918
Operating expenses	<u>3,008,151</u>
Total	13,085,069
Source of funds	
Special funds	11,754,833
Federal funds	<u>1,330,236</u>
Total	13,085,069
Sec. B.233 Public service - regulation and energy	
Personal services	10,344,756
Operating expenses	1,140,012
Grants	<u>1,339,181</u>
Total	12,823,949
Source of funds	
Special funds	11,366,409
Federal funds	652,800
ARRA funds	600,000

Interdepartmental transfers	150,000
Enterprise funds	<u>54,740</u>
Total	12,823,949
Sec. B.234 Public utility commission	
Personal services	3,421,027
Operating expenses	<u>483,432</u>
Total	3,904,459
Source of funds	
Special funds	<u>3,904,459</u>
Total	3,904,459
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	4,290,478
Operating expenses	<u>517,948</u>
Total	4,808,426
Source of funds	
Special funds	<u>4,808,426</u>
Total	4,808,426
Sec. B.236 Human rights commission	
Personal services	632,351
Operating expenses	<u>79,278</u>
Total	711,629
Source of funds	
General fund	637,188
Federal funds	<u>74,441</u>
Total	711,629
Sec. B.236.1 Liquor & Lottery Comm. Office	
Personal services	409,198
Operating expenses	<u>8,550</u>
Total	417,748
Source of funds	
Enterprise funds	<u>417,748</u>
Total	417,748
Sec. B.236.2 Lottery Operations	
Personal services	1,953,634
Operating expenses	1,423,556
Grants	<u>250,000</u>
Total	3,627,190
Source of funds	

Enterprise funds	<u>3,627,190</u>
Total	3,627,190
Sec. B.237 Liquor control - administration	
Personal services	3,792,370
Operating expenses	<u>1,267,339</u>
Total	5,059,709
Source of funds	
Tobacco fund	213,843
Enterprise funds	<u>4,845,866</u>
Total	5,059,709
Sec. B.238 Liquor control - enforcement and licensing	
Personal services	1,953,092
Operating expenses	<u>465,104</u>
Total	2,418,196
Source of funds	
Federal funds	184,484
Enterprise funds	<u>2,233,712</u>
Total	2,418,196
Sec. B.239 Liquor control - warehousing and distribution	
Personal services	1,131,461
Operating expenses	<u>486,434</u>
Total	1,617,895
Source of funds	
Enterprise funds	<u>1,617,895</u>
Total	1,617,895
Sec. B.240 Total protection to persons and property	
Source of funds	
General fund	152,022,889
Transportation fund	13,350,000
Special funds	89,170,106
Tobacco fund	561,843
Federal Coronavirus Relief Fund	23,451,164
Federal funds	83,776,486
ARRA funds	600,000
Interdepartmental transfers	15,090,107
Enterprise funds	<u>12,797,151</u>
Total	390,819,746

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 Sec. B.300 Human services - agency of human services - secretary's office

Personal services	11,121,179
Operating expenses	5,183,112
Grants	<u>8,818,674</u>
Total	25,122,965
Source of funds	
General fund	14,043,208
Special funds	135,517
Federal funds	9,910,637
Global Commitment fund	453,000
Interdepartmental transfers	<u>580,603</u>
Total	25,122,965

## Sec. B.301 Secretary's office - global commitment

Grants	<u>1,623,904,822</u>
Total	1,623,904,822
Source of funds	
General fund	522,372,868
Special funds	32,293,557
Tobacco fund	21,049,373
State health care resources fund	17,078,501
Federal funds	1,020,542,541
Interdepartmental transfers	<u>10,567,982</u>
Total	1,623,904,822

## Sec. B.303 Developmental disabilities council

Personal services	379,199
Operating expenses	95,146
Grants	<u>191,595</u>
Total	665,940
Source of funds	
Special funds	12,000
Federal funds	<u>653,940</u>
Total	665,940

## Sec. B.304 Human services board

Personal services	739,318
Operating expenses	<u>89,159</u>
Total	828,477
Source of funds	
General fund	474,716

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Federal funds	<u>353,761</u>
Total	828,477
Sec. B.305 AHS - administrative fund	
Personal services	330,000
Operating expenses	<u>10,170,000</u>
Total	10,500,000
Source of funds	
Interdepartmental transfers	<u>10,500,000</u>
Total	10,500,000
Sec. B.306 Department of Vermont health access - administration	
Personal services	129,834,613
Operating expenses	26,285,655
Grants	<u>5,192,301</u>
Total	161,312,569
Source of funds	
General fund	32,314,433
Special funds	3,378,509
Federal funds	116,496,036
Global Commitment fund	4,330,710
Interdepartmental transfers	<u>4,792,881</u>
Total	161,312,569
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Personal services	547,983
Grants	<u>726,492,200</u>
Total	727,040,183
Source of funds	
Global Commitment fund	<u>727,040,183</u>
Total	727,040,183
Sec. B.309 Department of Vermont health access - Medicaid program - state only	
Grants	<u>51,417,964</u>
Total	51,417,964
Source of funds	
General fund	39,365,706
Global Commitment fund	<u>12,052,258</u>
Total	51,417,964

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>33,096,001</u>
Total	33,096,001
Source of funds	
General fund	12,164,088
Federal funds	<u>20,931,913</u>
Total	33,096,001

Sec. B.311 Health - administration and support

Personal services	5,618,392
Operating expenses	6,355,826
Grants	<u>4,040,881</u>
Total	16,015,099
Source of funds	
General fund	2,704,133
Special funds	2,041,597
Federal Coronavirus Relief Fund	1,000,000
Federal funds	7,493,305
Global Commitment fund	2,681,102
Interdepartmental transfers	<u>94,962</u>
Total	16,015,099

Sec. B.312 Health - public health

Personal services	46,668,668
Operating expenses	10,183,898
Grants	<u>36,833,198</u>
Total	93,685,764
Source of funds	
General fund	10,325,430
Special funds	18,763,637
Tobacco fund	1,088,918
Federal Coronavirus Relief Fund	1,650,000
Federal funds	47,328,052
Global Commitment fund	13,264,921
Interdepartmental transfers	1,239,806
Permanent trust funds	<u>25,000</u>
Total	93,685,764

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	4,999,801
Operating expenses	442,000

Grants	<u>48,713,374</u>
Total	54,155,175
Source of funds	
General fund	1,234,338
Special funds	1,281,066
Tobacco fund	949,917
Federal funds	18,491,664
Global Commitment fund	<u>32,198,190</u>
Total	54,155,175
Sec. B.314 Mental health - mental health	
Personal services	32,711,706
Operating expenses	4,574,758
Grants	<u>240,423,028</u>
Total	277,709,492
Source of funds	
General fund	8,869,021
Special funds	1,686,673
Federal Coronavirus Relief Fund	737,104
Federal funds	11,127,574
Global Commitment fund	253,591,013
Interdepartmental transfers	<u>1,698,107</u>
Total	277,709,492
Sec. B.316 Department for children and families - administration & support services	
Personal services	37,989,806
Operating expenses	16,737,674
Grants	<u>3,739,106</u>
Total	58,466,586
Source of funds	
General fund	32,556,013
Special funds	2,708,800
Federal funds	20,975,521
Global Commitment fund	2,005,816
Interdepartmental transfers	<u>220,436</u>
Total	58,466,586
Sec. B.317 Department for children and families - family services	
Personal services	38,776,869
Operating expenses	5,069,385



Grants	<u>78,055,766</u>
Total	121,902,020
Source of funds	
General fund	43,478,598
Special funds	729,587
Federal funds	32,002,165
Global Commitment fund	45,579,021
Interdepartmental transfers	<u>112,649</u>
Total	121,902,020
Sec. B.318 Department for children and families - child development	
Personal services	4,612,052
Operating expenses	862,982
Grants	<u>82,319,977</u>
Total	87,795,011
Source of funds	
General fund	25,392,931
Special funds	16,820,000
Tobacco fund	2,000,000
Federal funds	33,551,078
Global Commitment fund	10,008,502
Interdepartmental transfers	<u>22,500</u>
Total	87,795,011
Sec. B.319 Department for children and families - office of child support	
Personal services	11,107,221
Operating expenses	<u>3,568,636</u>
Total	14,675,857
Source of funds	
General fund	4,392,533
Special funds	455,719
Federal funds	9,440,005
Interdepartmental transfers	<u>387,600</u>
Total	14,675,857
Sec. B.320 Department for children and families - aid to aged, blind and disabled	
Personal services	2,252,206
Grants	<u>10,298,023</u>
Total	12,550,229
Source of funds	
General fund	8,649,899

Global Commitment fund	<u>3,900,330</u>
Total	12,550,229
Sec. B.321 Department for children and families - general assistance	
Personal services	15,000
Grants	<u>8,981,574</u>
Total	8,996,574
Source of funds	
General fund	8,599,239
Federal funds	111,320
Global Commitment fund	<u>286,015</u>
Total	8,996,574
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	<u>29,827,906</u>
Total	29,827,906
Source of funds	
Federal funds	<u>29,827,906</u>
Total	29,827,906
Sec. B.323 Department for children and families - reach up	
Operating expenses	48,524
Grants	<u>39,867,197</u>
Total	39,915,721
Source of funds	
General fund	22,361,264
Special funds	6,133,482
Federal Coronavirus Relief Fund	5,197,333
Federal funds	3,542,024
Global Commitment fund	<u>2,681,618</u>
Total	39,915,721
Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP	
Grants	<u>16,019,953</u>
Total	16,019,953
Source of funds	
Special funds	1,480,395
Federal funds	<u>14,539,558</u>
Total	16,019,953

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	534,250
Operating expenses	44,078
Grants	<u>10,566,655</u>
Total	11,144,983
Source of funds	
General fund	5,307,854
Special funds	57,990
Federal funds	4,423,154
Global Commitment fund	<u>1,355,985</u>
Total	11,144,983

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	335,094
Operating expenses	45,269
Grants	<u>12,038,018</u>
Total	12,418,381
Source of funds	
Special funds	7,601,113
Federal funds	<u>4,817,268</u>
Total	12,418,381

Sec. B.327 Department for children and families - Woodside rehabilitation center

Personal services	3,928,957
Operating expenses	<u>675,455</u>
Total	4,604,412
Source of funds	
General fund	4,507,412
Interdepartmental transfers	<u>97,000</u>
Total	4,604,412

Sec. B.328 Department for children and families - disability determination services

Personal services	6,817,027
Operating expenses	<u>435,650</u>
Total	7,252,677
Source of funds	
General fund	108,854

Federal funds	<u>7,143,823</u>
Total	<u>7,252,677</u>
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	33,409,543
Operating expenses	<u>5,883,996</u>
Total	39,293,539
Source of funds	
General fund	17,410,292
Special funds	1,390,457
Federal funds	19,426,506
Interdepartmental transfers	<u>1,066,284</u>
Total	39,293,539
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>18,762,373</u>
Total	18,762,373
Source of funds	
General fund	7,441,442
Federal funds	7,148,466
Global Commitment fund	<u>4,172,465</u>
Total	18,762,373
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	<u>1,661,457</u>
Total	1,661,457
Source of funds	
General fund	389,154
Special funds	223,450
Federal funds	743,853
Global Commitment fund	<u>305,000</u>
Total	1,661,457
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>7,024,368</u>
Total	7,024,368
Source of funds	
General fund	1,371,845
Federal funds	4,402,523

Interdepartmental transfers	<u>1,250,000</u>
Total	7,024,368
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>234,832,050</u>
Total	234,832,050
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	234,256,605
Interdepartmental transfers	<u>45,000</u>
Total	234,832,050
Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver	
Grants	<u>5,152,980</u>
Total	5,152,980
Source of funds	
Global Commitment fund	<u>5,152,980</u>
Total	5,152,980
Sec. B.334.1 Disabilities, aging and independent living - Long Term Care	
Grants	<u>225,276,530</u>
Total	225,276,530
Source of funds	
General fund	498,579
Federal funds	2,083,333
Global Commitment fund	<u>222,694,618</u>
Total	225,276,530
Sec. B.335 Corrections - administration	
Personal services	3,061,285
Operating expenses	<u>238,644</u>
Total	3,299,929
Source of funds	
General fund	<u>3,299,929</u>
Total	3,299,929
Sec. B.336 Corrections - parole board	
Personal services	356,216
Operating expenses	<u>59,216</u>
Total	415,432

Source of funds	
General fund	<u>415,432</u>
Total	415,432
Sec. B.337 Corrections - correctional education	
Personal services	3,226,930
Operating expenses	<u>244,932</u>
Total	3,471,862
Source of funds	
General fund	3,323,078
Education fund	0
Interdepartmental transfers	<u>148,784</u>
Total	3,471,862
Sec. B.338 Corrections - correctional services	
Personal services	121,345,262
Operating expenses	23,059,297
Grants	<u>8,808,427</u>
Total	153,212,986
Source of funds	
General fund	141,146,389
Special funds	935,963
Federal Coronavirus Relief Fund	4,950,000
Federal funds	473,523
Global Commitment fund	5,310,796
Interdepartmental transfers	<u>396,315</u>
Total	153,212,986
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>5,640,604</u>
Total	5,640,604
Source of funds	
General fund	<u>5,640,604</u>
Total	5,640,604
Sec. B.340 Corrections - correctional facilities - recreation	
Personal services	426,705
Operating expenses	<u>455,845</u>
Total	882,550
Source of funds	
Special funds	<u>882,550</u>
Total	882,550

## Sec. B.341 Corrections - Vermont offender work program

Personal services	1,404,901
Operating expenses	<u>525,784</u>
Total	1,930,685
Source of funds	
Internal service funds	<u>1,930,685</u>
Total	1,930,685

## Sec. B.342 Vermont veterans' home - care and support services

Personal services	19,575,182
Operating expenses	<u>4,455,065</u>
Total	24,030,247
Source of funds	
General fund	2,858,379
Special funds	11,858,292
Federal funds	<u>9,313,576</u>
Total	24,030,247

## Sec. B.343 Commission on women

Personal services	338,188
Operating expenses	<u>64,568</u>
Total	402,756
Source of funds	
General fund	399,187
Special funds	<u>3,569</u>
Total	402,756

## Sec. B.344 Retired senior volunteer program

Grants	<u>146,564</u>
Total	146,564
Source of funds	
General fund	<u>146,564</u>
Total	146,564

## Sec. B.345 Green Mountain Care Board

Personal services	7,358,493
Operating expenses	<u>379,150</u>
Total	7,737,643
Source of funds	
General fund	3,094,435
Special funds	<u>4,643,208</u>
Total	7,737,643

## Sec. B.346 Total human services

Source of funds	
General fund	986,812,972
Special funds	115,532,594
Tobacco fund	25,088,208
State health care resources fund	17,078,501
Education fund	0
Federal Coronavirus Relief Fund	13,534,437
Federal funds	1,457,654,882
Global Commitment fund	1,583,321,128
Internal service funds	1,930,685
Interdepartmental transfers	33,220,909
Permanent trust funds	<u>25,000</u>
Total	4,234,199,316

## Sec. B.400 Labor - programs

Personal services	31,253,177
Operating expenses	10,214,693
Grants	<u>2,727,000</u>
Total	44,194,870
Source of funds	
General fund	4,898,964
Special funds	6,922,539
Federal funds	31,264,367
Interdepartmental transfers	<u>1,109,000</u>
Total	44,194,870

## Sec. B.401 Total labor

Source of funds	
General fund	4,898,964
Special funds	6,922,539
Federal funds	31,264,367
Interdepartmental transfers	<u>1,109,000</u>
Total	44,194,870

## Sec. B.500 Education - finance and administration

Personal services	13,278,166
Operating expenses	3,979,764
Grants	<u>16,770,700</u>
Total	34,028,630
Source of funds	
General fund	5,388,716



Special funds	18,290,009
Education fund	3,375,307
Federal funds	6,132,426
Global Commitment fund	260,000
Interdepartmental transfers	<u>582,172</u>
Total	34,028,630
Sec. B.501 Education - education services	
Personal services	12,205,290
Operating expenses	1,073,385
Grants	<u>124,979,229</u>
Total	138,257,904
Source of funds	
General fund	4,593,768
Special funds	2,844,721
Tobacco fund	750,388
Federal funds	<u>130,069,027</u>
Total	138,257,904
Sec. B.502 Education - special education: formula grants	
Grants	<u>223,718,575</u>
Total	223,718,575
Source of funds	
Education fund	<u>223,718,575</u>
Total	223,718,575
Sec. B.503 Education - state-placed students	
Grants	<u>18,000,000</u>
Total	18,000,000
Source of funds	
Education fund	<u>18,000,000</u>
Total	18,000,000
Sec. B.504 Education - adult education and literacy	
Grants	<u>4,262,900</u>
Total	4,262,900
Source of funds	
General fund	3,496,850
Federal funds	<u>766,050</u>
Total	4,262,900
Sec. B.504.1 Education - Flexible Pathways	
Grants	<u>9,225,450</u>

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Total	9,225,450
Source of funds	
General fund	962,725
Education fund	<u>8,262,725</u>
Total	9,225,450
Sec. B.505 Education - adjusted education payment	
Grants	<u>1,489,500,000</u>
Total	1,489,500,000
Source of funds	
Education fund	<u>1,489,500,000</u>
Total	1,489,500,000
Sec. B.506 Education - transportation	
Grants	<u>20,459,000</u>
Total	20,459,000
Source of funds	
Education fund	<u>20,459,000</u>
Total	20,459,000
Sec. B.507 Education - small school grants	
Grants	<u>8,200,000</u>
Total	8,200,000
Source of funds	
Education fund	<u>8,200,000</u>
Total	8,200,000
Sec. B.510 Education - essential early education grant	
Grants	<u>7,044,052</u>
Total	7,044,052
Source of funds	
Education fund	<u>7,044,052</u>
Total	7,044,052
Sec. B.511 Education - technical education	
Grants	<u>14,816,000</u>
Total	14,816,000
Source of funds	
Education fund	<u>14,816,000</u>
Total	14,816,000
Sec. B.511.1 State Board of Education	
Personal services	38,905

Operating expenses	<u>31,803</u>
Total	70,708
Source of funds	
General fund	<u>70,708</u>
Total	70,708
Sec. B.514 State teachers' retirement system	
Grants	<u>125,894,201</u>
Total	125,894,201
Source of funds	
General fund	119,013,146
Education fund	<u>6,881,055</u>
Total	125,894,201
Sec. B.514.1 State teachers' retirement system administration	
Personal services	4,261,124
Operating expenses	<u>1,668,671</u>
Total	5,929,795
Source of funds	
Pension trust funds	<u>5,929,795</u>
Total	5,929,795
Sec. B.515 Retired teachers' health care and medical benefits	
Grants	<u>31,798,734</u>
Total	31,798,734
Source of funds	
General fund	<u>31,798,734</u>
Total	31,798,734
Sec. B.516 Total general education	
Source of funds	
General fund	165,324,647
Special funds	21,134,730
Tobacco fund	750,388
Education fund	1,800,256,714
Federal funds	136,967,503
Global Commitment fund	260,000
Interdepartmental transfers	582,172
Pension trust funds	<u>5,929,795</u>
Total	2,131,205,949
Sec. B.600 University of Vermont	
Grants	<u>42,509,093</u>

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Total	42,509,093
Source of funds	
General fund	41,840,842
Global Commitment fund	<u>668,251</u>
Total	42,509,093
Sec. B.602 Vermont state colleges	
Grants	<u>29,800,464</u>
Total	29,800,464
Source of funds	
General fund	<u>29,800,464</u>
Total	29,800,464
Sec. B.602.1 Vermont state colleges - Supplemental Aid	
Grants	<u>700,000</u>
Total	700,000
Source of funds	
General fund	<u>700,000</u>
Total	700,000
Sec. B.603 Vermont state colleges - allied health	
Grants	<u>1,157,775</u>
Total	1,157,775
Source of funds	
General fund	748,314
Global Commitment fund	<u>409,461</u>
Total	1,157,775
Sec. B.605 Vermont student assistance corporation	
Grants	<u>19,978,588</u>
Total	19,978,588
Source of funds	
General fund	<u>19,978,588</u>
Total	19,978,588
Sec. B.606 New England higher education compact	
Grants	<u>84,000</u>
Total	84,000
Source of funds	
General fund	<u>84,000</u>
Total	84,000

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 Sec. B.607 University of Vermont - Morgan Horse Farm

Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1

## Sec. B.608 Total higher education

Source of funds	
General fund	93,152,209
Global Commitment fund	<u>1,077,712</u>
Total	94,229,921

## Sec. B.700 Natural resources - agency of natural resources - administration

Personal services	2,322,491
Operating expenses	<u>1,043,407</u>
Total	3,365,898
Source of funds	
General fund	2,684,594
Special funds	581,393
Interdepartmental transfers	<u>99,911</u>
Total	3,365,898

## Sec. B.701 Natural resources - state land local property tax assessment

Operating expenses	<u>2,575,277</u>
Total	2,575,277
Source of funds	
General fund	2,153,777
Interdepartmental transfers	<u>421,500</u>
Total	2,575,277

## Sec. B.702 Fish and wildlife - support and field services

Personal services	18,228,943
Operating expenses	7,048,001
Grants	<u>785,636</u>
Total	26,062,580
Source of funds	
General fund	6,506,744
Special funds	669,737
Fish and wildlife fund	9,099,448
Federal funds	8,611,533

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Interdepartmental transfers	<u>1,175,118</u>
Total	26,062,580
Sec. B.703 Forests, parks and recreation - administration	
Personal services	994,125
Operating expenses	<u>1,160,549</u>
Total	2,154,674
Source of funds	
General fund	<u>2,154,674</u>
Total	2,154,674
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	5,877,247
Operating expenses	885,702
Grants	<u>1,209,868</u>
Total	7,972,817
Source of funds	
General fund	4,968,305
Special funds	398,049
Federal funds	2,331,600
Interdepartmental transfers	<u>274,863</u>
Total	7,972,817
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	9,071,501
Operating expenses	<u>2,657,322</u>
Total	11,728,823
Source of funds	
General fund	909,203
Special funds	<u>10,819,620</u>
Total	11,728,823
Sec. B.706 Forests, parks and recreation - lands administration and recreation	
Personal services	2,122,060
Operating expenses	1,343,187
Grants	<u>2,657,652</u>
Total	6,122,899
Source of funds	
General fund	908,531
Special funds	2,020,151
Federal funds	3,071,717
Interdepartmental transfers	<u>122,500</u>
Total	6,122,899

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 Sec. B.708 Forests, parks and recreation - forest and parks access roads

Personal services	110,000
Operating expenses	<u>69,925</u>
Total	179,925
Source of funds	
General fund	<u>179,925</u>
Total	179,925

## Sec. B.709 Environmental conservation - management and support services

Personal services	6,613,365
Operating expenses	3,933,249
Grants	<u>125,000</u>
Total	10,671,614
Source of funds	
General fund	1,775,480
Special funds	446,131
Federal funds	945,212
Interdepartmental transfers	<u>7,504,791</u>
Total	10,671,614

## Sec. B.710 Environmental conservation - air and waste management

Personal services	17,164,499
Operating expenses	10,579,537
Grants	<u>4,292,462</u>
Total	32,036,498
Source of funds	
General fund	224,369
Special funds	28,061,132
Federal funds	3,588,192
Interdepartmental transfers	<u>162,805</u>
Total	32,036,498

## Sec. B.711 Environmental conservation - office of water programs

Personal services	23,094,172
Operating expenses	7,043,822
Grants	<u>32,125,333</u>
Total	62,263,327
Source of funds	
General fund	7,540,060
Special funds	20,407,725
Federal funds	33,636,979

Interdepartmental transfers	<u>678,563</u>
Total	62,263,327
Sec. B.713 Natural resources board	
Personal services	2,781,080
Operating expenses	<u>500,902</u>
Total	3,281,982
Source of funds	
General fund	630,798
Special funds	<u>2,651,184</u>
Total	3,281,982
Sec. B.714 Total natural resources	
Source of funds	
General fund	30,636,460
Special funds	66,055,122
Fish and wildlife fund	9,099,448
Federal funds	52,185,233
Interdepartmental transfers	<u>10,440,051</u>
Total	168,416,314
Sec. B.800 Commerce and community development - agency of commerce and community development - administration	
Personal services	1,964,532
Operating expenses	1,768,188
Grants	<u>579,820</u>
Total	4,312,540
Source of funds	
General fund	3,171,540
Federal Coronavirus Relief Fund	750,000
Federal funds	<u>391,000</u>
Total	4,312,540
Sec. B.801 Economic development	
Personal services	4,016,204
Operating expenses	1,153,449
Grants	<u>5,249,719</u>
Total	10,419,372
Source of funds	
General fund	4,910,253
Special funds	1,945,350
Federal funds	3,518,769



Interdepartmental transfers	<u>45,000</u>
Total	10,419,372
Sec. B.802 Housing & community development	
Personal services	3,942,367
Operating expenses	755,675
Grants	<u>14,533,277</u>
Total	19,231,319
Source of funds	
General fund	2,791,111
Special funds	5,398,955
Federal funds	8,164,967
Interdepartmental transfers	<u>2,876,286</u>
Total	19,231,319
Sec. B.806 Tourism and marketing	
Personal services	1,855,399
Operating expenses	1,581,906
Grants	<u>76,880</u>
Total	3,514,185
Source of funds	
General fund	3,489,598
Interdepartmental transfers	<u>24,587</u>
Total	3,514,185
Sec. B.808 Vermont council on the arts	
Grants	<u>718,589</u>
Total	718,589
Source of funds	
General fund	<u>718,589</u>
Total	718,589
Sec. B.809 Vermont symphony orchestra	
Grants	<u>136,978</u>
Total	136,978
Source of funds	
General fund	<u>136,978</u>
Total	136,978
Sec. B.810 Vermont historical society	
Grants	<u>965,108</u>
Total	965,108
Source of funds	

General fund	<u>965,108</u>
Total	965,108
Sec. B.811 Vermont housing and conservation board	
Grants	<u>29,782,673</u>
Total	29,782,673
Source of funds	
Special funds	11,466,417
Federal funds	<u>18,316,256</u>
Total	29,782,673
Sec. B.812 Vermont humanities council	
Grants	<u>227,989</u>
Total	227,989
Source of funds	
General fund	<u>227,989</u>
Total	227,989
Sec. B.813 Total commerce and community development	
Source of funds	
General fund	16,411,166
Special funds	18,810,722
Federal Coronavirus Relief Fund	750,000
Federal funds	30,390,992
Interdepartmental transfers	<u>2,945,873</u>
Total	69,308,753
Sec. B.900 Transportation - finance and administration	
Personal services	12,760,887
Operating expenses	3,163,873
Grants	<u>55,000</u>
Total	15,979,760
Source of funds	
Transportation fund	15,108,560
Federal funds	<u>871,200</u>
Total	15,979,760
Sec. B.901 Transportation - aviation	
Personal services	4,307,908
Operating expenses	5,037,764
Grants	<u>210,000</u>
Total	9,555,672
Source of funds	

Transportation fund	4,553,828
Federal funds	<u>5,001,844</u>
Total	9,555,672
Sec. B.902 Transportation - buildings	
Operating expenses	<u>307,000</u>
Total	307,000
Source of funds	
Transportation fund	<u>307,000</u>
Total	307,000
Sec. B.903 Transportation - program development	
Personal services	54,357,099
Operating expenses	241,593,174
Grants	<u>26,825,000</u>
Total	322,775,273
Source of funds	
Transportation fund	42,204,675
TIB fund	8,904,313
Federal funds	271,141,834
Local match	<u>524,451</u>
Total	322,775,273
Sec. B.904 Transportation - rest areas construction	
Personal services	185,000
Operating expenses	<u>825,000</u>
Total	1,010,000
Source of funds	
Transportation fund	101,000
Federal funds	<u>909,000</u>
Total	1,010,000
Sec. B.905 Transportation - maintenance state system	
Personal services	45,305,185
Operating expenses	54,291,051
Grants	<u>240,200</u>
Total	99,836,436
Source of funds	
Transportation fund	97,358,649
Federal funds	2,377,787
Interdepartmental transfers	<u>100,000</u>
Total	99,836,436

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Sec. B.906 Transportation - policy and planning	
Personal services	4,199,096
Operating expenses	993,259
Grants	<u>6,358,650</u>
Total	11,551,005
Source of funds	
Transportation fund	3,003,905
Federal funds	8,529,250
Interdepartmental transfers	<u>17,850</u>
Total	11,551,005
Sec. B.907 Transportation - rail	
Personal services	5,016,835
Operating expenses	26,447,613
Grants	<u>30,000</u>
Total	31,494,448
Source of funds	
Transportation fund	14,942,605
TIB fund	760,000
Federal funds	14,634,998
Interdepartmental transfers	<u>1,156,845</u>
Total	31,494,448
Sec. B.908 Transportation - public transit	
Personal services	2,482,733
Operating expenses	184,334
Grants	<u>35,567,753</u>
Total	38,234,820
Source of funds	
Transportation fund	5,708,177
Federal funds	32,486,643
Interdepartmental transfers	<u>40,000</u>
Total	38,234,820
Sec. B.909 Transportation - central garage	
Personal services	4,566,949
Operating expenses	<u>16,415,926</u>
Total	20,982,875
Source of funds	
Internal service funds	<u>20,982,875</u>
Total	20,982,875

## Sec. B.910 Department of motor vehicles

Personal services	22,480,038
Operating expenses	<u>11,865,495</u>
Total	34,345,533
Source of funds	
Transportation fund	32,852,324
Federal funds	1,345,934
Interdepartmental transfers	<u>147,275</u>
Total	34,345,533

## Sec. B.911 Transportation - town highway structures

Grants	<u>4,650,000</u>
Total	4,650,000
Source of funds	
Transportation fund	<u>4,650,000</u>
Total	4,650,000

## Sec. B.912 Transportation - town highway local technical assistance program

Personal services	362,665
Operating expenses	<u>46,300</u>
Total	408,965
Source of funds	
Transportation fund	108,965
Federal funds	<u>300,000</u>
Total	408,965

## Sec. B.913 Transportation - town highway class 2 roadway

Grants	<u>3,250,000</u>
Total	3,250,000
Source of funds	
Transportation fund	<u>3,250,000</u>
Total	3,250,000

## Sec. B.914 Transportation - town highway bridges

Personal services	3,004,608
Operating expenses	9,868,743
Grants	<u>200,000</u>
Total	13,073,351
Source of funds	
Transportation fund	791,327
TIB fund	1,436,457
Federal funds	10,456,841

Local match	<u>388,726</u>
Total	13,073,351
Sec. B.915 Transportation - town highway aid program	
Grants	<u>27,105,769</u>
Total	27,105,769
Source of funds	
Transportation fund	<u>27,105,769</u>
Total	27,105,769
Sec. B.916 Transportation - town highway class 1 supplemental grants	
Grants	<u>128,750</u>
Total	128,750
Source of funds	
Transportation fund	<u>128,750</u>
Total	128,750
Sec. B.917 Transportation - town highway: state aid for nonfederal disasters	
Grants	<u>1,150,000</u>
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000
Sec. B.918 Transportation - town highway: state aid for federal disasters	
Grants	<u>180,000</u>
Total	180,000
Source of funds	
Transportation fund	20,000
Federal funds	<u>160,000</u>
Total	180,000
Sec. B.919 Transportation - municipal mitigation assistance program	
Operating expenses	210,000
Grants	<u>5,845,000</u>
Total	6,055,000
Source of funds	
Transportation fund	650,000
Special funds	3,977,000
Federal funds	<u>1,428,000</u>
Total	6,055,000

## Sec. B.920 Transportation - public assistance grant program

Operating expenses	200,000
Grants	<u>1,050,000</u>
Total	1,250,000
Source of funds	
Special funds	50,000
Federal funds	1,000,000
Interdepartmental transfers	<u>200,000</u>
Total	1,250,000

## Sec. B.921 Transportation board

Personal services	152,387
Operating expenses	<u>32,387</u>
Total	184,774
Source of funds	
Transportation fund	<u>184,774</u>
Total	184,774

## Sec. B.922 Total transportation

Source of funds	
Transportation fund	254,180,308
TIB fund	11,100,770
Special funds	4,027,000
Federal funds	350,643,331
Internal service funds	20,982,875
Interdepartmental transfers	1,661,970
Local match	<u>913,177</u>
Total	643,509,431

## Sec. B.1000 Debt service

Operating expenses	<u>79,377,264</u>
Total	79,377,264
Source of funds	
General fund	75,828,995
Transportation fund	540,918
ARRA funds	504,738
TIB debt service fund	<u>2,502,613</u>
Total	79,377,264

## Sec. B.1001 Total debt service

Source of funds	
General fund	75,828,995

Transportation fund	540,918
ARRA funds	504,738
TIB debt service fund	<u>2,502,613</u>
Total	79,377,264

Sec. B.1100 FISCAL YEAR 2021 ONE-TIME GENERAL FUND  
APPROPRIATIONS

(a) In fiscal year 2021, funds are appropriated from the General Fund as follows:

(1) To the Agency of Administration: \$20,000 for a grant to the League of Women Voters of Vermont Education Fund to celebrate of the 19th amendment to the U.S. Constitution, ratified on August 18, 1920, guaranteeing that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

(2) To the Department of Environmental Conservation: \$10,000 for a grant to the town of Chittenden for the installation of one or more warning sirens that can be heard in the towns of Chittenden, Pittsford, Rutland Town, and Rutland City in the event that there is a breach of the Chittenden Reservoir.

(3) To the Attorney General: \$162,000 to fund diversion programs that have experienced reduced fee revenue as the result of the COVID-19 pandemic.

(4) To the Department of State's Attorneys and Sheriffs: \$13,000 to augment federal grant funding that is reduced due to Vermont not having a specific statute in place.

(5) To the Department of Public Service: \$250,000 to develop a long-term telecom plan for the State pursuant to 2019 Acts and Resolves No. 79.

(6) To the Department of Public Service: \$1,500,000 to be awarded as grants to communications union districts. These grants shall be used to provide cash equity to secure loans to finance broadband projects, including the 10 percent of project costs required to secure financing through the Broadband Expansion Loan Program administered by the Vermont Economic Development Authority. A communications union district may not receive more than \$400,000 in awards under this appropriation.

(7) To the Agency of Education: \$15,860 for per diems for the AOE Ethnic and Social Equity Standards Advisory Group per 2019 Acts and Resolves No. 1.

(8) To the Natural Resources Board: \$30,000 for completion of Act 250 applications submitted on the new electronic database and application system,



the review of which were delayed due to issues related to the COVID-19 pandemic.

(9) To the Agency of Commerce and Community Development: \$100,000 to hire a consultant for a Public Access Television funding study, pursuant to 2020 Acts and Resolves No. 137. Any funds that remain unused for this purpose shall be transferred to the Department of Public Service for plan development pursuant to 2019 Acts and Resolves No. 79

(10) To the Vermont State Colleges: \$23,800,000 additional bridge funding to allow system restructuring to be implemented for the 2021/2022 academic year.

(11) To the Agency of Natural Resources: \$450,000 for the purposes of the establishment of three (3) full-time limited service positions (to be determined), costs associated with providing administrative, technical and legal support, per diems, hiring consultants and experts and other necessary costs and expenses associated with implementation of H.688.

Sec. B.1100.1 FISCAL YEAR 2021 ONE-TIME TRANSPORTATION  
FUND APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2021, funds are appropriated from the transportation fund as follows:

(1) To the Agency of Digital Services: \$900,000 for the Department of Motor Vehicles information technology system modernization.

(2) To the Agency of Transportation: \$11,400,000 allocated for the following uses:

(A) \$7,000,000 to be distributed to municipalities not later than October 31, 2020 in the same apportionments and for the same purposes prescribed under 19 V.S.A. § 306(a)(3), which shall not be included in any subsequent calculations for the annual appropriation for aid to town highways pursuant to 19 V.S.A. § 306(a);

(B) \$500,000 for maintenance and roadside mowing;

(C) \$1,000,000 for the New PEV Incentive Program established in 2019 Acts and Resolves No. 59, Sec. 34, as amended, with up to \$100,000 of that \$1,000,000 available to continue and expand the Agency of Transportation's public-private partnership with Drive Electric Vermont to support the expansion of the plug-in electric vehicle market in the State;

(D) \$500,000 to fund initiatives to increase public transit ridership in fiscal year 2021 as authorized under 2020 Acts and Resolves No. 121, Sec. 9; and

(E) \$2,400,000 for leveling and paving projects.

(b) In fiscal year 2021, \$600,000 is transferred from the Transportation Fund to the Central Garage Fund for the purchase of new equipment consistent with 2020 Acts and Resolves No. 121, Secs. 11, 12, and 12a.

Sec. B.1101.2 CORONAVIRUS RELIEF FUND – ONE-TIME LIST

(a) In fiscal year 2021, funds are appropriated from the Coronavirus Relief Fund (CRF) as follows:

(1) To the Agency of Agriculture, Food and Markets: \$100,000 for the Farm to School program to address the effects of the pandemic. Grant funds will be used to facilitate the local food procurement and hands-on education goals of the program and to reimburse schools and registered or licensed child care providers for the costs of equipment, materials, and supplies for school nutrition programs and classrooms that are necessary expenditures related to the public health emergency, including improvements for outdoor learning and/or dining spaces and equipment for processing, packaging, storing, and serving meals safely. Applications shall be filed in accordance with grant parameters and a deadline established by the Agency of Agriculture, Food and Markets, and shall be processed in the order of receipt, except no application will be evaluated for an award until the Agency of Agriculture, Food, and Markets determines that it is administratively complete. Each grant payment shall exclusively cover incurred costs and/or expenses related to the public health emergency and shall be a maximum award of \$10,000. If the Agency of Agriculture, Food and Markets receives a high volume of applications, it may lower the maximum individual grant award to more equitably distribute the funds among a larger number of applicants. Each grant payment may be a partial reimbursement of proven costs and shall be a direct payment from the State of Vermont to a school or child care provider.

(2) To the Agency of Administration: \$500,000 for contracted services related to CRF and other COVID-19 federal funding eligibility.

(3) To the Agency of Administration: \$10,000,000 for equitable distribution to be determined in consultation with the Association of Vermont Independent Colleges, among the 11 independent colleges. Distribution factors to be considered include, but are not limited to, CARES Act funding guidelines, creating a floor to protect smaller schools. In order to qualify for funding from this appropriation, institutions must be accredited and chartered in Vermont. The funds are for COVID-19-related losses or expenditures previously incurred or expected to be incurred that meet the federal guidelines for funding eligibility.

(4) To the University of Vermont: \$10,000,000 to address pandemic funding needs through December 2020. For the duration of the Governor's state of emergency orders, the University shall present to the House and Senate Committees on Appropriations and Education, as well as the UVM community:

(A) a full, specific quarterly accounting of all funds appropriated and expended during the span of time covered by the Governor's state of emergency orders.; and

(B) the revenue-loss projections upon which the University's present and future budget cuts are premised, and how those projections bear out as actual data becomes available.

(5) To the Department of Disabilities, Aging, and Independent Living: \$2,000,000 for grants to Adult Day service providers to provide financial stability grant funding to the 12 adult day providers statewide to continue to support the facilities, service infrastructure, and necessary operating costs for October 2020 through December 20, 2020 as these programs remained closed due the COVID-19 crisis to prepare to reopen safely for the vulnerable populations they serve and to operate at reduced census upon reopening. Funds shall be distributed on or before October 10, 2020 to each program in accordance with the spreadsheet submitted by the providers to the Department prior to September 30, 2020. Any funds remaining subsequent to October 10, 2020 from this or prior Coronavirus Relief Funds appropriations for Adult Day service provides shall be carried forward until December 20, 2020 and shall remain available the Adult Day programs for their use prior to December 20, 2020.

(6) To the Department of Disabilities, Aging, and Independent Living: \$565,000 to support the Meals on Wheels program and maintain the reimbursement rates established during the pandemic through December 30, 2020. 100 percent of this appropriation shall be distributed directly to the organizations preparing and delivering the meals.

(7) To the Agency of Human Services: \$250,000 for grants to Vermont Legal Aid for information technology costs necessitated by coronavirus, including cybersecurity and case management needs.

(8) To the Department of Health for the Vermont Recovery Network: \$60,000 to be equally divided and granted directly to each of the 12 recovery centers for reimbursement of expenses incurred due to the COVID-19 pandemic. Each center shall be eligible for up to \$5,000 reimbursement after submitting a list of expenses incurred that pertain to cleaning and social distancing efforts at the centers.

(9) To the Agency of Transportation: \$1,557,438 for the Transportation Program in Dept ID 8100007000; AOT COVID-19.

(10) To the Vermont Housing Conservation Board: \$2,250,000 for projects to address homelessness and reduce risk of community spread of the coronavirus.

(11) To the Department of Tourism and Marketing for the Restart Vermont Marketing Program: \$4,000,000.00 for the Restart Vermont Marketing Program to publicize the resumption of activities and steps taken to ensure a safe experience and to encourage visitation and consumer spending in Vermont to support businesses that have suffered economic harm due to the COVID-19 public health emergency. The Department shall coordinate with regional partners in developing and implementing marketing strategies that ensure regional and Statewide benefits from the Program.

(12) To the Vermont State Colleges, in coordination with the Department of Labor, for workforce training: \$2,300,000.00 to serve Vermonters who have been impacted by the COVID-19 pandemic through layoffs, furloughs, reduced hours, or due to being employed in an industry that has been severely affected.

(A) The funds awarded pursuant to this subdivision (12) are to:

(i) offer courses and workshops to upskill affected Vermonters in their current industry or reskill Vermonters who desire a change in their career path for more economic stability; and

(ii) provide for necessary school supplies, wrap-around services, marketing of the program, and support staff.

(B) Any funds provided in this subdivision (12) that remain unencumbered as of November 15, 2020 shall revert to the Coronavirus Relief Fund and be appropriated to the Agency of Commerce and Community Development for grants pursuant to 2020 Acts and Resolves No. 137, Sec. 6.

\* \* \* Business Economic Assistance and Unemployed Stimulus \* \* \*

Sec. B.1102 2020 Acts and Resolves No. 137, Sec. 6 is amended to read:

Sec. 6 COVID-19; ECONOMIC SUPPORT FOR BUSINESSES AND INDIVIDUALS

(a) Appropriations; grants. The following amounts are appropriated from the Coronavirus Relief Fund to the named recipients to provide grants to businesses that have suffered economic harm due to the COVID-19 public health emergency and economic crisis.

~~(1) \$82,000,000.00 for additional emergency economic recovery grants pursuant to 2020 Acts and Resolves No. 115 (S.350), Secs. 2-3 \$143,700,000.00 for grants to businesses that meet the eligibility criteria in subsection (c) of this section as follows:~~

~~(A) \$56,000,000.00~~ \$117,700,000.00 to the Agency of Commerce and Community Development.

~~(B) \$26,000,000.00~~ to the Department of Taxes.

\* \* \*

~~(5) \$5,000,000.00 to the Agency of Commerce and Community Development to grant to the Vermont Arts Council for grants to nonprofit arts and cultural organizations. For purposes of calculating reduction in revenue under this subdivision, "revenue" does not include tax-deductible charitable contributions.~~

\* \* \*

(c) Eligibility; grant amount; terms; guidelines.

~~(1) To be eligible for a grant under subsection (a) or (b) of this section, a business must meet the following eligibility criteria and comply with the guidelines adopted pursuant to 2020 Acts and Resolves No. 115 (S.350) unless otherwise provided in this section, except that a business must demonstrate that it suffered a 50 percent or greater reduction in revenue due to the COVID-19 public health emergency and economic crisis in a monthly or quarterly period from March 1, 2020 to September 1, 2020 as compared to the same period in 2019 subdivision (4) of this subsection:~~

~~(A) The business is a private, for-profit or nonprofit organization that is domiciled or has its primary place of business in Vermont.~~

~~(B) The business is either open at the time of application or is closed due to the COVID-19 public health emergency but has a good-faith plan for reopening.~~

~~(C) The business demonstrates need based on economic loss due to the COVID-19 public health emergency from March 1, 2020 to December 1, 2020.~~

~~(2) The Agency shall establish standards for determining the amount of grant awards, provided that a business may not receive more than \$300,000.00 in grant awards pursuant to 2020 Acts and Resolves No. 115 and this act.~~

~~(3) The Agency shall set standards for how much grant awards should be adjusted based on whether an applicant has received financial assistance from other sources.~~

(4) The Agency may coordinate with local, regional, and State economic development partners to administer grants pursuant to this section.

(5) The Agency shall:

(A) adopt a process, procedures, and guidelines for the implementation of this section, including internal controls, an internal audit process, and an internal performance review process;

(B) submit information concerning the processes, procedures, and guidelines implementing this section not later than five days before the guidelines take effect to the House Committees on Commerce and Economic Development and on Appropriations and to the Senate Committees on Economic Development, Housing and General Affairs and on Appropriations;

(C) publish information concerning the guidelines and procedures, conduct marketing and outreach to communities that historically have not had equal access to financial or government services, and provide technical assistance to potential grant recipients;

(D) provide and maintain current, Internet-based information available to the public concerning the recipients and amounts of grants awarded;

(E) collect and publish demographic and other relevant data concerning grant recipients; and

(F) provide bi-weekly updates to the General Assembly concerning the implementation of this section.

\* \* \*

(e) Prohibition on multiple sources of funding.

(1) A business may not receive a grant of Coronavirus Relief Fund monies from more than one source, ~~except that a business in the dairy sector may apply for a grant under subdivision (a)(2)(B) of this section, provided that the award is not for the same purpose covered under other assistance from the Fund.~~

\* \* \*

(g) Emergency economic recovery grant funds; transfer. If any funds appropriated to Agency of Commerce and Community Development and the Department of Taxes in 2020 Acts and Resolves No. 115 (S.350) remain both unencumbered and unspent as of August 1, 2020, the Agency and Department shall combine and administer those funds with the amounts made available to them in this section, subject to the standards and criteria established in this section.

## Sec. B.1102.1. ADDITIONAL UNEMPLOYMENT SUPPORT

(a) The amount of \$17,000,000.00 is appropriated from the Coronavirus Relief Fund to the Department of Labor to provide direct grants, subject to available funding, of not more than \$100.00 per week for not more than five weeks to Vermonters who received unemployment insurance benefits pursuant to 21 V.S.A. chapter 17 or Pandemic Unemployment Assistance pursuant to pursuant to the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116–136, § 2102, for one or more weekly benefit periods beginning on or after September 27, 2020.

(b) Any funds appropriated in this section that remain unencumbered as of November 15, 2020 shall revert to the Agency of Commerce and Community Development for grants pursuant to 2020 Acts and Resolves No. 137, Sec. 6.

Sec. B.1102.2 CONTINGENT BUSINESS GRANTS CRF  
APPROPRIATION

(a) In fiscal year 2021, \$15,000,000 is appropriated from the Coronavirus Relief Fund to the Agency of Commerce and Community to increase the amount available for grants to businesses that have suffered economic harm due to COVID-19 as established in Acts and Resolves No. 137, Sec. 6 as amended by Sec. B.1102 of this act. This appropriation is contingent upon up to \$15,000,000 of funds pursuant to the \$75,000,000 and \$150,000,000 CRF allocations approved by the Joint Fiscal Committee on May 5, 2020, being identified by the Administration and reverted to the Coronavirus Relief Fund due to reassignment to other funding sources, including FEMA, Federal Pandemic Unemployment Assistance, or other federal funds, or determined to be expended at less than the approved amount.

(b) On or before November 5, 2020, The Commissioner of Finance and Management shall report to the Joint Fiscal Committee on the status of specific allocations and reversions.

\* \* \* Telecommunications Related Amendments \* \* \*

Sec. B.1103 2020 Acts and Resolves No. 137, Sec. 1(a) is amended to read:

(a) The purpose of this act is to appropriate ~~\$213,200,000.00~~ monies from the Coronavirus Relief Fund to cover necessary broadband connectivity, information technology, housing, and economic relief expenses incurred due to, or as a result of, the COVID-19 public health emergency.

Sec. B.1104 2020 Acts and Resolves No. 137, Sec. 13, subsection (e) is amended to read:

(e) Up to ~~\$50,000.00~~ \$175,000.00 of funds appropriated under this section may be used to reimburse the Department of Public Service and the Agency of

Digital Services for any costs associated with the deployment of Wi-Fi hotspots not covered by the Federal Emergency Management Agency.

Sec. B.1105 30 V.S.A. § 202d(7) is amended to read:

~~(7) An analysis of available options to support the State's access media organizations.~~ [Repealed.]

Sec. B.1105.1 2020 Acts and Resolves No. 137, Sec. 14, subsection (a), is amended to read:

(a) The sum of ~~\$800,000.00~~ \$2,300,000.00 is appropriated to the COVID-Response Connected Community Resilience Program, a grant program to be administered by the Commissioner of Public Service. The purpose of the Program is to fund recovery planning efforts of communications union districts, particularly with regard to accelerating their deployment schedules. Accelerated deployment is necessary in direct response to the COVID-19 public health emergency, which has caused communications union districts to rapidly reassess the connectivity needs in their respective service areas and to reevaluate their deployment objectives going forward, either independently or collaboratively. Conditions of the Program shall include the following:

(1) Costs eligible for funding under this Program include consultant fees, administrative expenses, and any other recovery planning costs deemed appropriate by the Commissioner.

(2) A grant award may not exceed ~~\$100,000.00~~ \$400,000.00.

\* \* \* CRF Reallocations and Joint Fiscal Committee Process \* \* \*

Sec. B.1106 CAPACITY IDENTIFIED FROM PREVIOUSLY  
ALLOCATED OR APPROPRIATED CORONAVIRUS RELIEF  
FUND MONIES

(a) Reversion of remaining balance of Administration's CRF allocation. Of the \$75,000,000 that the Joint Fiscal Committee authorized the Administration to spend for health and safety and other emergency response needs as a condition for acceptance of the federal Coronavirus Relief Fund grant, as amended by the Committee on May 5, 2020, the sum of \$2,565,237 shall revert to the State's Coronavirus Relief Fund for reallocation in accordance with the appropriations made in this act.

(b) Reversion of Joint Fiscal Committee CRF allocation. Of the \$150,000,000 that the Joint Fiscal Committee authorized pending approval for the Administration to spend for pandemic response needs as a condition for acceptance of the federal Coronavirus Relief Fund grant, as amended by the Committee on May 5, 2020, the sum of \$2,000,000 shall revert to the State's



Coronavirus Relief Fund for reallocation in accordance with the appropriations made in this act.

Sec. B.1107 2020 Acts and Resolves No. 108, Sec. 2 is amended to read:

Sec. 2. MUNICIPAL EMERGENCY STATEWIDE EDUCATION  
PROPERTY TAX BORROWING; ~~APPROPRIATION~~

The sum of up to \$2,700,000.00 is appropriated in FY 2020 from the Coronavirus Relief Fund to the Office of the State Treasurer for use in FY 2020 and FY 2021 for the purpose of providing payments under the Municipal Emergency Statewide Education Property Tax Borrowing Program described in Sec. 1 of this act. Any appropriation amount carried forward to FY 2021 under this section shall revert to the Coronavirus Relief Fund after all eligible short-term borrowing costs incurred through December 30, 2020 have been expended. In the event that costs are incurred for payment under the Municipal Emergency Statewide Education Property Tax Borrowing Program, the Secretary of Administration shall submit a request to the Joint Fiscal Committee for the Committee's approval to make payments from the State's Coronavirus Relief Fund (CRF) monies remaining within the allocation subject to Committee approval or from CRF monies available in accordance with Sec. B.1108, B.1109, or B.1110 of this act.

Sec. B.1107.1 2020 Acts and Resolves No. 120, Sec. A.49(a)(6) is amended to read:

(6) Defender General: ~~\$753,000~~ \$453,000 is appropriated to the Defender General for costs incurred or anticipated to be incurred in response to the COVID-19 pandemic.

Sec. B.1108 CORONAVIRUS RELIEF FUND; REALLOCATION;  
ALLOCATION OF UNOBLIGATED MONIES; JOINT  
FISCAL COMMITTEE

(a) Purpose. As set forth in 2020 Acts and Resolves Nos. 120, 136, 137, and 138, unless otherwise authorized by the Commissioner of Finance and Management, any monies appropriated from the State's Coronavirus Relief Fund (CRF) shall revert to the CRF to the extent they have not been expended by December 20, 2020 to enable reallocation. In addition, CRF monies appropriated during the 2020 legislative session that are no longer necessary because funds have been received for the same or a similar purpose from another source may revert to the CRF for reallocation. The purpose of this section is to establish processes for allocating unobligated CRF monies and for reallocating reverted CRF monies and any unexpended and unencumbered monies appropriated from the CRF that the Commissioner of Finance and Management identifies between the date of final legislative passage of the

fiscal year 2021 budget bill and December 20, 2020 as being unable to be expended for their original purposes by December 30, 2020.

(b) Allocation and reallocation.

(1) The Commissioner of Finance and Management may allocate unobligated CRF monies, reallocate reverted CRF monies, and reallocate unexpendable and unencumbered CRF monies, upon approval of the proposed allocation or reallocation by the Joint Fiscal Committee as set forth in this subsection.

(2) If the Commissioner of Finance and Management identifies reverted CRF monies, unexpendable and unencumbered CRF monies, or unobligated CRF monies, or a combination of these, that the Commissioner wishes to reallocate for a use other than that for which the CRF monies were originally appropriated, or that the Commissioner wishes to allocate, in the case of unobligated CRF monies, the Commissioner shall inform the Joint Fiscal Committee of:

(A) the amount or amounts available for allocation or reallocation;

(B) the proposed use or uses of the monies; and

(C) the manner in which the proposed use or uses comply with the parameters set forth in Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance.

(3) Criteria for approval.

(A) Compliance with CRF parameters. In determining whether to approve a proposal submitted by the Commissioner under this section, the Joint Fiscal Committee shall first determine whether each proposed use of CRF monies complies with the parameters set forth in Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance. If the Committee determines that a proposed use likely does not comply with the parameters, the Committee shall disapprove that proposed use.

(B) Timeliness. If the Committee determines that a proposed use likely does comply with the CRF parameters, it shall next consider whether the proposed use is likely to be achievable by December 30, 2020. If the Committee determines that the proposed use is unlikely to be achieved by December 30, 2020, the Committee shall disapprove that proposed use.

(C) Proposed uses.

(i) If the Committee determines that a proposed use likely complies with CRF parameters and is likely achievable by December 30, 2020, then, in light of the uncertainty regarding the continued effects of the COVID-

19 public health emergency, the Committee shall evaluate the proposed use in the context of the areas of greatest need at the time of the proposal.

(ii) If the federal government allows the State to use CRF monies for purposes previously not permitted under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance, then, in addition to evaluating the proposed use in the context of the areas of greatest need, the Committee shall prioritize proposed uses related to revenue replacement for State government, local government, and the education finance system, and related to the funding of ongoing State financial liabilities.

(4) Joint Fiscal Committee process.

(A) Upon receipt of the information set forth in subdivision (2) of this subsection (b) from the Commissioner of Finance and Management, the Joint Fiscal Committee shall inform the General Assembly of the proposal and shall approve or disapprove each proposal within 10 calendar days following receipt.

(B) If the Joint Fiscal Committee disapproves a proposal, the Commissioner may revise and resubmit for further consideration. The Joint Fiscal Committee shall approve or disapprove within five calendar days following receipt of the revised proposal.

(5) Joint Fiscal Meetings.

(A) The Commissioner of Finance and Management shall report to the Joint Fiscal Office on or before November 5, 2020 and December 7, 2020 on the status of reallocation proposals under this section.

(c) Transfer authority. Nothing in this section shall be construed to limit the authority of the Emergency Board to transfer appropriations pursuant to 32 V.S.A. §§ 133 and 706.

(d) Final allocation and reallocation. On or after December 21, 2020, the Commissioner of Finance and Management may reallocate any unexpended and unencumbered CRF monies, and allocate any unobligated CRF monies, to the Department of Labor for reimbursement of claims expenditures made from the Department of Labor Unemployment Insurance Fund between March 1, 2020 and December 30, 2020.

Sec. B.1109 CONTINGENCY PLANNING FOR INCREASED CRF  
FLEXIBILITY

(a) Purpose. The purpose of this section is to establish processes to be followed in the event that the federal government provides increased flexibility in authorized usage of the State's Coronavirus Relief Fund (CRF) monies

following the date of final legislative passage of the fiscal year 2021 budget bill and prior to the convening of the 2021 legislative session.

(b) Expanded uses. If the federal government allows the State to use CRF monies for purposes previously not permitted under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance, but does not extend the period during which the monies must be expended, the Commissioner of Finance and Management shall inform the Joint Fiscal Committee and may propose additional uses of the CRF, which may include using unobligated CRF monies, previously allocated but unencumbered CRF monies that are unable to be expended by December 30, 2020, reverted CRF monies, or a combination of these, for Joint Fiscal Committee approval in accordance with the procedure set forth in Sec. 1108 of this act, including considering the areas of greatest need.

(c) Extension of time. If the federal government allows the State to use CRF monies beyond the December 30, 2020 deadline established in Sec. 5001 of the CARES Act, Pub. L. No. 116-136, the Commissioner of Finance and Management shall notify the Joint Fiscal Committee of the extension.

(1) If the Joint Fiscal Committee, after consultation with the Commissioner, determines that the extension would allow for the full General Assembly to consider additional uses of CRF monies during the 2021 legislative session, the Joint Fiscal Committee shall limit its approval of allocations and reallocations pursuant to Sec. B.1108 of this act to those for which prompt action is necessary due to the time-sensitive nature of the proposed use or to the limited duration of the extension, or both.

(2) If the Joint Fiscal Committee, after consultation with the Commissioner, determines that the length of the extension would not provide the full General Assembly with sufficient time to address additional uses of CRF monies during the 2021 legislative session, the Joint Fiscal Committee shall consider the Commissioner's proposals in accordance with the procedure set forth in Sec. B.1108 of this act.

(3) In the event of an extension of time to use CRF monies, the final allocation and reallocation to the Department of Labor pursuant to Sec. B.1108 of this act shall not occur without the approval of the Joint Fiscal Committee.

#### Sec. B.1110 CONTINGENCY PLANNING FOR ADDITIONAL FEDERAL FUNDING

(a) The purpose of this section is to establish processes to be followed in the event that the federal government provides additional funds to the State of Vermont related to the COVID-19 public health emergency following the date

of final legislative passage of the fiscal year 2021 budget bill but prior to the convening of the 2021 legislative session.

(b) If the federal government provides additional Coronavirus Relief Fund (CRF) grant monies to Vermont following the date of final legislative passage of the fiscal year 2021 budget bill but prior to the convening of the 2021 legislative session, the monies shall be subject to the CRF acceptance conditions adopted by the Joint Fiscal Committee, as may be amended.

(c) If the federal government provides an increase of \$10,000,000.00 or more to an existing federal grant other than the CRF grant following the date of final legislative passage of the fiscal year 2021 budget bill but prior to the convening of the 2021 legislative session, the Secretary of Administration shall notify the Joint Fiscal Committee and the General Assembly of the grant award prior to exercising excess receipts authority.

Sec. B.1111 EXTENSION OF APPLICATION DEADLINE; COVID-19  
EXPENSE REIMBURSEMENT; LOCAL GOVERNMENT

(a) The Secretary of Administration or designee shall continue to accept and process applications from units of local government for reimbursement of COVID-19 expenses pursuant to 2020 Acts and Resolves No. 137, Sec. 7, provided that the applications are received on or before October 15, 2020.

\* \* \* Pre-K–12 Education Amendments \* \* \*

Sec. B.1112 2020 Acts and Resolves No. 120, Sec. A.50 is amended to read:

Sec. A.50. PRE-K–12 EDUCATION PANDEMIC COSTS:  
CORONAVIRUS RELIEF FUND APPROPRIATIONS

(a) Total appropriation. The sum of \$50,000,000 is appropriated in fiscal year 2020, and the sum of \$53,000,000 is appropriated in fiscal year 2021, to the Agency of Education to fund eligible fiscal years 2020 and 2021 expenditures of Vermont prekindergarten–grade 12 public schools and approved independent schools. Eligible expenditures shall conform with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136, and

(1) This funding is allocated to the categories under subsections (b), and (c), and ~~(d)~~ of this section. It is the intent of the General Assembly that CARES Act funding appropriated to the Agency of Education under this section be used to ensure the safe opening and operation of public schools during the COVID-19 state of emergency and that public schools use these funds to the maximum extent permitted by law.

(2) Any unused portion of this funding shall carry over into fiscal year 2021.

(b) Efficiency Vermont. The amount of ~~\$6,500,000~~ \$13,500,000 shall be granted to Efficiency Vermont for the air quality improvement program in Sec. A.51 of this act.

(c) Prekindergarten-12 schools.

(1) Public schools. The sum of ~~\$41,000,000~~ \$88,300,000 shall be granted for the purpose of reimbursing COVID-19 costs incurred by school districts. As used in this section, "school district" means a school district, as defined in 16 V.S.A. § 11(11), or a regional career technical center school district, as defined in 16 V.S.A. § 1571. Of these funds, up to \$4,000,000 of the funds remaining from 2020 Acts and Resolves No. 136, Sec. 12 may be distributed by the Agency of Education to School Food Authorities and other Child Nutrition Program sponsors for the purchase of CARES Act eligible supplies and equipment, including vehicles, freezers, and other capital assets, necessary to provide meals to children using the federal child nutrition programs during the COVID-19 state of emergency. These funds are restricted to costs that exceed the federal per-meal reimbursement received for meals provided through these programs.

\* \* \*

(2) Approved independent schools. The sum of up to ~~\$1,500,000~~ \$1,200,000 shall be granted for the purpose of reimbursing COVID-19 costs incurred by approved independent schools that, as of March 27, 2020 (the date of enactment of the CARES Act), had one or more students enrolled whose tuition was funded by the student's sending school district (publicly funded student).

\* \* \*

~~(d) Accounting and technical assistance. Up to \$1,000,000 shall be available to provide accounting and technical assistance to the supervisory unions and school districts to fully identify COVID-19 expenses and accurately process these within the statewide accounting system. If the appropriated CARES Act funding proves to be insufficient to cover all reimbursement requests, any costs for new pandemic expenses shall be fully covered to the extent that appropriated funds. If proration is necessary, it shall be on requests from school districts of repurposed expenses that freed up previously budgeted funds in fiscal year 2021.~~

\* \* \*

Sec. B.1113 2020 Acts and Resolves No. 120, Sec. A.51 is amended to read:

Sec. A.51. SCHOOL INDOOR AIR QUALITY GRANT PROGRAM;  
CORONAVIRUS RELIEF FUND; APPROPRIATION

(a) Appropriation. The sum of ~~\$6,500,000~~ \$13,500,000 appropriated in Sec.A.50(b) of this act from the Coronavirus Relief Fund for Efficiency Vermont in fiscal year 2021 is for purposes of providing grants to Vermont K–12 covered schools to upgrade heating, ventilation, and air conditioning (HVAC) systems, and filtration and other methods of air treatment, in response to the COVID-19 emergency.

\* \* \*

Sec. B.1114 [Deleted]

Sec. B.1115 LENGTH OF 2020–2021 SCHOOL YEAR

Notwithstanding 16 V.S.A. § 1071(a), for the 2020–2021 school year, each public school shall be maintained and operated for not less than 170 student attendance days, except as provided in subsection (g) of that section, which allows for waivers of this requirement.

Sec. B.1116 2020–2021 SCHOOL YEAR; WAIVER OF ONLINE TEACHING ENDORSEMENT

Notwithstanding 16 V.S.A. § 1694, for the 2020–2021 school year, the Standards Board for Professional Educators (SBPE) shall waive its requirement for a teacher to hold an endorsement for online teaching in order to teach online or implement remote learning.

Sec. B.1117 ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

(a) Notwithstanding any provision of law to the contrary, the election of a director on the board of a unified union school district who is to serve on the board after expiration of the term for an initial director shall be held at the unified union school district’s annual meeting unless otherwise provided in the district’s articles of agreement.

(b) Notwithstanding any provision of law to the contrary, if a vacancy occurs on the board of a unified union school district and the vacancy is in a seat that is allocated to a specific town, the clerk of the unified union school district shall immediately notify the selectboard of the town. Within 30 days after the receipt of that notice, the unified union school district board, in consultation with the selectboard, shall appoint a person who is otherwise eligible to serve as a member of the unified union school district board to fill the vacancy until an election is held at an annual or special meeting unless otherwise provided in accordance with the unified union school district’s articles of agreement.

(c) This section is repealed on July 1, 2022.

Sec. B. 1118 ADM ADJUSTMENT; DECLINE IN STUDENT  
ENROLLMENT DUE TO HOME STUDY

Notwithstanding 16 V.S.A. §§ 4001(1) and 4010(b), for the 2020–2021 school year, the Secretary of Education shall determine the average daily membership (ADM) for each school district at a count of not less than the district’s 2019–2020 school year ADM.

Sec. B.1119 REIMBURSEMENT OF TRANSPORTATION EXPENSES  
INCURRED DURING THE COVID-19 STATE OF  
EMERGENCY

Notwithstanding 16 V.S.A. §§ 1222 and 4016, allowable transportation expenditures shall include the costs incurred by a school district or supervisory union for the transportation of food and other aid to students, families, and members of the community during the COVID-19 state of emergency, provided that if these expenditures were already reimbursed by federal or State funds, they shall not also be reimbursed under these sections.

Sec. B.1120 PREKINDERGARTEN; TEACHERS; WAIVER

Notwithstanding 16 V.S.A. § 829, if a private provider was prequalified on or before March 15, 2020, then the provider shall retain its prequalified status for the 2020–2021 school year despite the loss of services of a teacher who is licensed and endorsed in early childhood education or in early childhood special education under 16 V.S.A. chapter 51, provided that the private provider continues to meet all other qualification criteria.

Sec. B.1120.1 TASK FORCE FOR UNIVERSAL AFTERSCHOOL  
ACCESS; CREATION

(a) Creation. There is created the Task Force for Universal Afterschool Access to consider and make recommendations on the framework for, the costs of, and related long-term funding sources for access to universal afterschool programs.

(b) Membership. The Task Force shall be composed of the following 15 members:

(1) one current member of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) one current member of the Senate, who shall be appointed by the Committee on Committees;

(3) the Secretary of Education or designee;

(4) the Secretary of Human Services or designee;



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

(6) the Executive Director of the Vermont School Boards Association or designee;

(7) the Executive Director of the Vermont Council of Special Education Administrators or designee;

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

(9) the Chair of the Vermont Council of Independent Schools or designee;

(10) a representative of Vermont home study programs, appointed by the Governor;

(11) a representative of Vermont Boys and Girls Clubs, appointed by the Governor;

(12) three representatives of afterschool programs who represent the breadth of geographic areas within the State, appointed by the Governor; and

(13) the Executive Director of Vermont Afterschool, Inc. or designee.

(c) Powers and duties. The Task Force shall consider and make recommendations on the framework for, the costs of, and related long-term funding sources for access to universal afterschool programs.

(1) The Task Force shall map existing afterschool programs and highlight gaps in access and equity, including equity for Vermonters with disabilities.

(2) The Task Force shall recommend, as part of the framework, best practices and key evidence-based strategies to maximize health and substance abuse prevention and shall consult with the Substance Misuse Prevention and Advisory Council.

(3) The Task Force shall consider the report entitled "Closing the Gap in Vermont: The Expanded Learning Opportunities (ELO) Special Fund," dated November 2015, issued by the Working Group on Expanded Learning Opportunities of Vermont's PreK-16 Council.

(4) The Task Force shall review the status and results of the Afterschool for All Grant Program administered by the Department for Children and Families.

(5) In exploring funding sources, the Task Force shall prefer solutions that do not draw upon the State's Education Fund and shall explore the

possibility of using potential revenue from the taxation and regulation of cannabis.

(6) The Task Force may recommend legislative language to enact its recommendations.

(d) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education.

(e) Meetings.

(1) The Governor shall call the first meeting of the Task Force to occur on or before October 15, 2020.

(2) The Task Force shall select a chair from among its members at the first meeting.

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

(4) The Task Force shall cease to exist on April 16, 2021.

(f) Reports. On or before April 15, 2021, the Task Force shall submit a written report to the Governor and the House and Senate Committees on Education with its findings and recommendations.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than six meetings.

(2) Members of the Task Force 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 six meetings.

(h) Appropriation. The sum of \$7,200.00 is appropriated for fiscal year 2021 from the General Fund to the Agency of Administration to provide funding for per diem compensation and reimbursement under subsection.

\* \* \* Healthcare Stabilization Grant Amendments \* \* \*

Sec. B.1121 2020 Acts and Resolves No. 136, Sec. 7 is amended to read:

Sec. 7. AGENCY OF HUMAN SERVICES; HEALTH CARE PROVIDER STABILIZATION GRANT PROGRAM

(a) Appropriation. The sum of ~~\$275,000,000.00~~ \$250,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Human

Services in fiscal year 2021 for purposes of establishing the Health Care Provider Stabilization Grant Program as set forth in this section. The Agency shall disburse these funds to eligible health care provider applicants as expeditiously as possible using a needs-based application process.

\* \* \*

(d) Specific allocations. Notwithstanding any provisions of this section to the contrary, of the funds appropriated in subsection (a) of this section, the Agency of Human Services shall make the following allocations for the following purposes:

(1) Up to \$2,000,000.00 for workforce stabilization grants to emergency medical service and ambulance service providers. The Agency shall determine grant awards, taking into consideration the various arrangements under which these providers engage with licensed emergency medical personnel across the State and on the providers' access to other sources of workforce support related to the State's COVID-19 response.

(2) Up to \$3,000,000.00 for COVID-19-related testing in hospitals and long-term care facilities.

(3) Up to \$3,000,000.00 for COVID-19-related expenses incurred by designated and specialized service agencies through December 30, 2020.

(4) \$750,000.00 to the Department of Health for health equity and addressing COVID-19-related health disparities. The Department shall conduct outreach to Vermonters at high risk of adverse outcomes from the COVID-19 pandemic based upon factors such as race, ethnicity, Native American heritage or tribal affiliation, nationality or immigrant status, sexual orientation, gender identity, disability, age, geographic location, or English language proficiency. The Department shall customize the outreach to the higher risk Vermonters after consulting with community organizations with demonstrated experience working successfully with the particular population group. The outreach shall address the each population group's unique challenges, if any, in accession COVID-19 testing and in safely meeting essential needs, including food, shelter, health care, and emotional support, during the public health emergency in order to protect themselves and others from COVID-19 and to prevent suicides and other negative effects of social isolation. The Department may contract for the outreach required by this subsection.

(A) Up to \$100,000.00 of the funds available in this subdivision shall be transferred to the Office of Racial Equity in the Agency of Administration for the creation of a dashboard that would track key indicators and life outcomes using an equity lens, for short-term and long-term use. The dashboard would be publicly accessible and would use widely available mapping software and

other data visualization tools to aggregate and display relevant statistical data that can inform leaders and communities of the state’s progress in narrowing the racial equity gap. The dashboard would be created through inter-agency partnership and through contracting with third-party data experts. Existing data would be populated into the dashboard, and agencies will be notified of the relevant data that they will be required to continue or begin collecting. Personally identifiable information will be kept secure pursuant to relevant state and federal laws.

(e) Reports.

\* \* \*

\* \* \* Economic Stimulus Equity Program \* \* \*

Sec. B.1122 VERMONT CORONAVIRUS ECONOMIC STIMULUS  
EQUITY PROGRAM

(a) Definitions. As used in this section:

(1) “CARES Act” means the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116–136.

(2) “Economic Impact Payment” means a recovery rebate for individuals authorized under section 2201 of the CARES Act as codified in 26 U.S.C. § 6428.

(3) “Eligible adult” means any individual who is a current resident of Vermont, was a resident of Vermont on April 1, 2020, and was ineligible to receive an economic impact payment under the CARES Act due to immigration status.

(4) “Eligible child” means an individual under 18 years of age for whom an eligible adult is a parent or guardian.

(5) “Personally identifiable information” means an individual’s:

(A) name;

(B) address;

(C) date of birth;

(D) place of birth;

(E) immigration status;

(F) unique biometric data generated from measurements or technical analysis of human body characteristics used to identify or authenticate the individual, such as a fingerprint, retina or iris image, or other unique physical representation or digital representation of biometric data;

(G) name or address of a member of the individual's immediate family or household;

(H) Social Security number or other government-issued identification number; or

(I) other information that, either alone or in combination with the information listed in subdivisions (A)–(H) of this subdivision (5), would allow a reasonable person to identify the individual with reasonable certainty.

(6) "Resident of Vermont" means any individual living in Vermont who intends to make the State his or her principal place of domicile either permanently or for an indefinite number of years. Individuals who live in the State for a particular purpose involving a defined period of time, including students, migrant workers employed in seasonal occupations, and individuals employed under a contract with a fixed term, are not residents for purposes of this section.

(b) Establishment of Program; eligibility; maximum award.

(1) On or before November 15, 2020, the Agency of Administration shall establish the Vermont Coronavirus Economic Stimulus Equity Program to award direct relief grant payments to eligible adults and eligible children.

(2) In order to receive payment under the Program, an eligible adult shall certify that he or she:

(A) is a resident of Vermont;

(B) was ineligible to receive an economic impact payment under the CARES Act due to reasons of immigration status; and

(C) had an adjusted gross income of less than \$99,000.00 in taxable year 2019 or, if filing jointly, an adjusted gross income of less than \$198,000.00 in taxable year 2019.

(3) Each eligible adult shall receive \$1,200.00 and \$500.00 for each eligible child, provided that an eligible adult shall not receive an award for an eligible child if another applicant received an award for that child.

(4) Each award issued under this section shall be issued as a direct payment from the State of Vermont.

(5) All applications for a payment under this section shall be submitted on or before March 1, 2021.

(c) Administration of Program.

(1) The Program shall be administered by the Agency of Administration in consultation with the Executive Director of Racial Equity and the Agency of

Human Services. The Agency of Administration may partner with public or private entities to conduct outreach, provide application assistance, process grant applications, or deliver assistance payments to eligible individuals.

(2) The Agency shall adopt requirements, guidelines, or procedures as necessary to implement and administer the Program. When the Agency adopts requirements, guidelines, or procedure under this subdivision, it shall consider how to disperse payments to applicants who lack banking services or a mailing address to which a payment may be sent. The Agency shall not be required to initiate rulemaking pursuant to 3 V.S.A. § 831(c) in relation to any requirement, guideline, or procedure that is adopted or issued in relation to the Program.

(3) The Agency may utilize staff and resources from any State agency or department as necessary to administer the Program and may partner with any nongovernmental entity to promote or implement the Program.

(d) Contract for implementation. Notwithstanding any provision of law to the contrary, the Agency may enter into contracts, as deemed necessary, with any nongovernmental entity to implement and administer the Program without the need to competitively bid such contracts. For the purposes of the Program, the public health risk posed by COVID-19 shall be deemed to be an emergency situation that justifies the execution of sole source contracts pursuant to Bulletin 3.5, the State's Procurement and Contracting Procedures.

(e) Confidentiality; personally identifiable information. All personally identifiable information that is collected by the Agency through implementation of the Program by any entity of State government performing a function of the Program or by any entity that the Agency contracts with to perform a function of the Program shall be kept confidential and shall be exempt from inspection and copying under the Public Records Act.

(f) Protection of personally identifiable information. The Agency shall ensure that any entity of State government performing a function of the Program or any entity that the Agency contracts with to perform a function of the Program:

(1) implements appropriate procedures and safeguards to protect any personally identifiable information that it obtains in relation to the Program;

(2) shall not disclose an individual's personally identifiable information to another State entity or contractor performing a function of the Program unless that disclosure is necessary for the administration of the Program;

(3) complies with the prohibition on disclosure of personally identifiable information under 20 V.S.A. § 4651; and

(4) complies with all applicable requirements of 9 V.S.A. chapter 62.

(g) Reports.

(1) The Secretary of Administration shall report to the Joint Fiscal Committee at the November meeting of the Committee regarding how the Agency of Administration or its contractors will make payments under the Program, including how payments shall be dispersed to applicants who lack banking services or a mailing address to which a payment may be sent.

(2) On or before April 30, 2021, the Secretary of Administration shall report to the House Committee on Appropriations and the Senate Committee on Appropriations regarding the implementation and administration of the Vermont Coronavirus Economic Stimulus Equity Program. The report shall include:

(A) a summary of the payments awarded under the Program, including the amount of payments awarded;

(B) any challenges encountered by the Agency or contractors in the implementation and administration of the Program; and

(C) a summary of the results or success of the Program.

Sec. B.1123 APPROPRIATION; VERMONT CORONAVIRUS ECONOMIC  
STIMULUS EQUITY PROGRAM; REVERSION

(a) The amount of \$5,000,000 is appropriated from General Fund in fiscal year 2021 to the Agency of Administration for the administration and payment of grants pursuant to the Vermont Coronavirus Economic Stimulus Equity Program. Up to \$50,000.00 of the funds available under this section may be allocated for the administration of the Program.

(b) In fiscal year 2021 \$3,000,000 is unreserved from the Human Services Caseload Reserve established in 32 V.S.A. § 308b. To the extent that funds appropriated in this section have not been awarded on or before June 30, 2021, the remaining appropriation shall be reverted and reserved in the Human Services Caseload Reserve established in 32 V.S.A. § 308b. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee in July 2021 on any funds reverted and reserved under this subsection.

\* \* \* Agricultural Amendments \* \* \*

Sec. B.1124 AGRICULTURE CRF ASSISTANCE PROGRAMS;  
APPLICATION DEADLINES

Notwithstanding the application deadlines in 2020 Acts and Resolves No. 138, Secs. 6 and 7 for the Dairy Assistance Program and the Non-dairy

Agricultural Producer and Processor Assistance Program, the deadline for all applications for Coronavirus Relief Fund Assistance from the Agency of Agriculture, Food and Markets shall be November 15, 2020.

Sec. B.1125 2020 Acts and Resolves No. 138, Sec. 8 is amended to read:

Sec. 8. EDUCATION AND OUTREACH; AGRICULTURAL ASSISTANCE PROGRAMS; REPORTING; REVERSION

\* \* \*

(c) The Secretary of Agriculture, Food and Markets, beginning on July 1, 2020 and ending on January 1, 2021, shall report to the Senate Committees on Agriculture and on Appropriations and the House Committees on Agriculture and Forestry and on Appropriations on the first day of each month regarding the status of the ~~Dairy Assistance Program and the Non-dairy Agricultural Producer and Processor Assistance Program~~ Coronavirus Relief Fund assistance programs established by this act. The report shall include:

(1) the number of applicants for assistance in each month and overall; and

(2) the amount of grant funds awarded under each program.

(d)(1) In the ~~September~~ October 1, 2020 report required under subsection (c) of this section, the Secretary of Agriculture, Food and Markets shall provide an accounting of the ~~funds~~ Coronavirus Relief Funds remaining to be appropriated under the Dairy Assistance Program, the Non-dairy Agricultural Producer and Processor Assistance Program, and the Working Lands Enterprise Board.

(2) ~~If Non-dairy Agricultural Producer and Processor Assistance Program funds~~ Coronavirus Relief Funds appropriated to the Dairy Assistance Program remain unappropriated or unencumbered for award after expiration of the initial application deadline on ~~September 15~~ October 1, 2020, the Secretary of Agriculture, Food and Markets may reallocate ~~funds from the Non-dairy Agricultural Producer and Processor Assistance Program for award under the Dairy Assistance Program~~ up to \$2,000,000.00 of the Coronavirus Relief Funds appropriated to the Dairy Assistance Program to the Non-dairy Agricultural Producer and Processor Assistance Program or to the Working Lands Enterprise Board to meet applicant needs under one or both of those programs.

Sec. B.1126 AGRICULTURE CRF ASSISTANCE PROGRAMS; APPLICATION PROCESSING; REVERSION

(a) The Secretary of Agriculture, Food and Markets shall process all applications for Coronavirus Relief Fund assistance received prior to the



effective date of this act in the order the application was received. Applicants who submitted applications prior to the effective date of this act shall not be required to refile an application.

(b) Notwithstanding 2020 Acts and Resolves No. 137, Sec. 6(d)(3), funds appropriated from the Coronavirus Relief Fund to the Working Lands Enterprise Board under 2020 Acts and Resolves No. 137, Sec. 6(a)(2) shall not revert to the Agency of Commerce and Community Development on November 15, 2020 if unencumbered. Instead, the funds appropriated to the Working Lands Enterprise Board under 2020 Acts and Resolves No. 137, Sec. 6(a)(2)(A) shall remain available for award until the reversion required under 2020 Acts and Resolves No. 137, Sec. 3(4).

(c)(1) Notwithstanding 2020 Acts and Resolves No. 138, Sec. 7(d)(5), it is the intent of the General Assembly that eligible applicants under the Non-dairy Agricultural Producer and Processor Assistance Program that had a net business profit between March 1, 2020 and August 1, 2020 shall be reviewed for eligibility for assistance through the Coronavirus Relief Fund Working Lands Grant Program and that the criterion of no net business profit shall not be applied as a criteria for disqualifying an applicant for Coronavirus Relief Fund assistance from the Agency of Agriculture, Food and Markets.

(2) It is the intent of the General Assembly that a sole proprietor that applies for Coronavirus Relief Fund assistance from the Agency of Agriculture, Food and Markets shall not be disqualified from receiving an award because the sole proprietor has not filed a W-2 form in the 2018 or 2019 taxable year.

#### Sec. B.1127 FARMERS' MARKETS; RELIEF ASSISTANCE

(a) As used in this section, "farmers' market" means the organization that oversees or manages an event or series of events at which two or more vendors of agricultural products, as defined in 11 V.S.A. § 991, gather for purposes of offering for sale to the public their agricultural products.

(b) If Coronavirus Relief Funds appropriated to the Agency of Agriculture, Food and Markets under 2020 Acts and Resolves No. 138 remain unappropriated or unencumbered after October 1, 2020, the Secretary of Agriculture, Food and Markets may use up to \$140,000.00 of the unappropriated or unencumbered Coronavirus Relief Funds in fiscal year 2021 for the purpose of awarding grants under this section to farmers' markets in the State that have suffered verifiable lost revenues or expenses caused by the COVID-19 public health emergency.

(c) To be eligible for an award under this section, a farmers' market shall have annual gross sales of less than \$10,000.00. A farmers' market shall

demonstrate to the Agency lost revenues or expenses that occurred or accrued on or after March 1, 2020 and before November 1, 2020 due to the COVID-19 public health emergency and shall submit an application by the deadline established by the Agency of Agriculture, Food and Markets. The Agency of Agriculture, Food and Markets shall award grants under this section equitably to all eligible farmers' markets in the State, provided that the maximum amount of an award under this section shall be \$2,000.00.

\* \* \*Allocations, Transfers and Reserves \* \* \*

#### Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$518,000 is appropriated from the Current Use Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$518,000 from the property transfer tax that are deposited into the Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$10,580,695 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Notwithstanding 10 V.S.A. § 312, amounts above \$10,580,695 from the property transfer tax and surcharge established by 32 V.S.A. § 9602a that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(A) The dedication of \$2,500,000 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the affordable housing bond (10 V.S.A. § 314) is to be offset by the reduction of \$1,500,000 in the appropriation to the Vermont Housing and Conservation Board and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2021 appropriation of \$10,580,695 to VHCB reflects the \$1,500,000 reduction and the addition of \$100,000 to support the cost of technical assistance for writing grants. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, the \$1,500,000 reduction in the appropriation to VHCB is intended to be restored.

(3) The sum of \$3,760,599 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,760,599 from the property transfer tax that are deposited into the

Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,760,599 shall be allocated as follows:

(A) \$2,924,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$457,482 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b); and

(C) \$378,700 to the Agency of Digital Services for the Vermont Center for Geographic Information.

#### Sec. D.100.1 CARRY FORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, Education Fund, Clean Water Fund (Fund 21932), and Agricultural Water Quality Fund (Fund 21933) appropriations remaining unexpended on June 30, 2021 in the Executive Branch of State government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2021 in the Legislative and Judicial Branches of State government shall be carried forward and shall be designated for expenditure.

#### Sec. D.100.2 2020 Acts and Resolves No. 109, Sec. 30 is amended read:

##### Sec. 30 APPLICATION OF FISCAL YEAR 2020 DEFERRED TAX PAYMENTS COLLECTED IN FISCAL YEAR 2021

(a) To the extent that tax payments that were due to the State in fiscal year 2020 but were deferred as a result of state and federal emergency action taken in response to the Coronavirus Pandemic are received into the General Fund through August 15, 2020, funds from such payments shall be transferred or reserved as follows:

(1) First, to the extent any interfund loan was made from the Coronavirus Relief Fund under the provision of Sec. 29(b) of this act, in an amount to repay the balance of the interfund loan.

(2) Second, in the Human Services Caseload Reserve, in an amount to bring this reserve balance up to \$98,236,983.

(3) Third, in the General Fund Budget Stabilization Reserve, in an amount to bring this reserve balance up to ~~\$81,472,791~~ \$80,365,373.

(4) Fourth, in General Fund Balance Reserve (aka Rainy-Day Fund), in an amount to bring this reserve balance up to \$31,553,274.

(5) Finally, any additional amounts received from such payments shall remain available in the General Fund for appropriation in fiscal year 2021.

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

(1) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund created under 6 V.S.A. § 4803: \$3,408,000.

(2) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Lakes in Crisis Special Fund created under 10 V.S.A. § 1315: \$50,000.

(3) From the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$523,966.

(4) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund established by 32 V.S.A. § 951a for funding fiscal year 2022 transportation infrastructure bonds debt service: \$2,505,863.

(5) From the Tobacco Litigation Settlement fund to the General Fund: \$1,657,844.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2021:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>6,474,593.00</u>
<u>50300</u>	<u>Liquor Control Fund</u>	<u>22,740,000.00</u>
<u>21990</u>	<u>State Health Care Resources Fund</u>	<u>3,000,000.00</u>
<u>62100</u>	<u>Unclaimed Property Fund</u>	<u>2,710,636.00</u>
	<u>Caledonia Fair</u>	<u>5,000.00</u>
	<u>North Country Hospital Loan</u>	<u>24,047.00</u>
<u>21917</u>	<u>Public Funds Investigation Fund</u>	<u>100,000.00</u>

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its next meeting following the final amounts being transferred from each fund and certify that such transfers will

not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

<u>21638</u>	<u>AG-Fees &amp; reimbursement – Court order</u>	<u>2,250,000.00</u>
<u>21928</u>	<u>Secretary of State Services Funds</u>	<u>2,867,898.00</u>

(3) Notwithstanding 2016 Acts and Resolves No. 172, Section E. 228, \$40,368,350 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), the Financial Institution Regulatory and Supervision Fund (Fund Number 21065), and the Securities Regulatory and Supervision Fund (Fund Number 21080) shall be transferred to the General Fund.

(c) Notwithstanding any provisions of law to the contrary, in fiscal year 2021:

(1) The following amounts shall revert to the General Funds from the Accounts indicated:

<u>1100891701</u>	<u>AOA – Security Improvements</u>	<u>597.25</u>
<u>1105500000</u>	<u>Comm &amp; Info Technology</u>	<u>23,186.10</u>
<u>1110003000</u>	<u>Budget &amp; Management</u>	<u>100,000.00</u>
<u>1120020000</u>	<u>Tuition Assistance Program</u>	<u>158,596.48</u>
<u>1130030000</u>	<u>Department of Libraries</u>	<u>83,465.46</u>
<u>1140010000</u>	<u>Tax Operation Costs</u>	<u>147,169.75</u>
<u>1140040000</u>	<u>Homeowner Rebates</u>	<u>970,887.77</u>
<u>1140060000</u>	<u>Reappraisal &amp; Listing Payments</u>	<u>274,918.00</u>
<u>1140070000</u>	<u>Use Tax Reimbursement Program</u>	<u>100,858.00</u>
<u>1150500000</u>	<u>BGS Purchasing</u>	<u>190,861.33</u>
<u>1210002000</u>	<u>Legislature</u>	<u>350,000.00</u>
<u>1220000000</u>	<u>Joint Fiscal Office</u>	<u>25,000.00</u>
<u>1240001000</u>	<u>Lieutenant Governor</u>	<u>4,577.90</u>
<u>1250010000</u>	<u>Auditor of Accounts</u>	<u>98,067.65</u>
<u>1260010000</u>	<u>Treasurer</u>	<u>50,756.00</u>
<u>2100001000</u>	<u>Attorney General</u>	<u>285,007.00</u>
<u>2100891701</u>	<u>Tobacco Master Settlement – Diligent enforcement</u>	<u>68,161.12</u>

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<u>2110000100</u>	<u>Public Defense</u>	<u>100,000.00</u>
<u>2110010000</u>	<u>Assigned Counsel</u>	<u>5.93</u>
<u>2120000000</u>	<u>Judiciary</u>	<u>1,415,000.00</u>
<u>2130100000</u>	<u>State's Attorneys</u>	<u>386,007.96</u>
<u>2130200000</u>	<u>Sheriffs</u>	<u>498,806.86</u>
<u>2130400000</u>	<u>Special investigative unit</u>	<u>42,839.13</u>
<u>2140010000</u>	<u>DPS – State Police</u>	<u>209,538.68</u>
<u>2140030000</u>	<u>DPS – Emergency Management</u>	<u>18,698.43</u>
<u>2150010000</u>	<u>Military – administration</u>	<u>986,987.68</u>
<u>2200030000</u>	<u>Ag Development Division</u>	<u>50,000.00</u>
<u>2280001000</u>	<u>Human Rights Commission</u>	<u>32,510.44</u>
<u>3150070000</u>	<u>Mental Health</u>	<u>438,632.00</u>
<u>3150891902</u>	<u>DMH – Critical Access Hospitals</u>	<u>16,802.23</u>
<u>3310000000</u>	<u>Commission on Women</u>	<u>9,315.16</u>
<u>3310891801</u>	<u>VCW – Sexual Harass Public Outreach</u>	<u>20,794.35</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>304,288.84</u>
<u>3400001000</u>	<u>Secretary's Office Admin Costs</u>	<u>456,648.67</u>
<u>3400004000</u>	<u>Global Commitment</u>	<u>6,451,752.42</u>
<u>3400010000</u>	<u>Human Services Board</u>	<u>25,000.00</u>
<u>3400891804</u>	<u>AHSCO – Medicaid Financial Require</u>	<u>693,332.98</u>
<u>3400891902</u>	<u>AHSCO – Elec Med/Health Records Syst</u>	<u>36,106.00</u>
<u>3410010000</u>	<u>DVHA – Administration</u>	<u>17,409.43</u>
<u>3410017000</u>	<u>DVHA – Programs - State Only</u>	<u>0.35</u>
<u>3480001000</u>	<u>Department of Corrections – Administration</u>	<u>171,141.94</u>
<u>3420021000</u>	<u>Department of Health – Public Health</u>	<u>611,354.34</u>
<u>3420060000</u>	<u>Department of Health – ADAP</u>	<u>256,286.12</u>
<u>3440010000</u>	<u>Department for Children &amp; Families – Admin &amp; Support Services</u>	<u>2,340,774.40</u>
<u>3440050000</u>	<u>Department for Children &amp; Families – AABD</u>	<u>74,877.24</u>

<u>3440060000</u>	<u>Department for Children &amp; Families – General Assistance</u>	<u>1,005,971.77</u>
<u>3440080000</u>	<u>Department for Children &amp; Families – Reach Up</u>	<u>601,823.99</u>
<u>3440120000</u>	<u>Department for Children &amp; Families – Woodside</u>	<u>435,335.04</u>
<u>3460010000</u>	<u>DAIL – Administration</u>	<u>300,000.14</u>
<u>3480001000</u>	<u>Department of Corrections – Administration</u>	<u>71,141.9</u>
<u>3480002000</u>	<u>Department of Corrections – Parole Board</u>	<u>23,571.32</u>
<u>3480003000</u>	<u>Department of Corrections – Education</u>	<u>58,556.50</u>
<u>3480004000</u>	<u>Department of Corrections – Correctional Services</u>	<u>4,885,587.79</u>
<u>3480006000</u>	<u>Department of Corrections – Out of State Beds</u>	<u>109,339.10</u>
<u>4100500000</u>	<u>Department of Labor</u>	<u>200,000.00</u>
<u>5100010000</u>	<u>Agency of Education – Administration</u>	<u>91,312.39</u>
<u>5100060000</u>	<u>Agency of Education – Adult Basic Education</u>	<u>14,497.00</u>
<u>5100070000</u>	<u>Agency of Education – Education Services</u>	<u>123,118.58</u>
<u>5100210000</u>	<u>Agency of Education – Flexible Pathways</u>	<u>31,539.35</u>
<u>5100400000</u>	<u>Agency of Education – State Board of Education</u>	<u>47,416.83</u>
<u>5100891803</u>	<u>AOE – Advisory Group Compensation</u>	<u>4,533.97</u>
<u>5100892001</u>	<u>AOE – Workgroup Expense Reimbursement</u>	<u>15,090.51</u>
<u>6100010000</u>	<u>Admin., Management &amp; Planning</u>	<u>8,162.47</u>
<u>6100040000</u>	<u>Property Tax Assessment Appropriation</u>	<u>48,650.41</u>
<u>7100000000</u>	<u>ACCD – Administration</u>	<u>196,074.00</u>
<u>7100891902</u>	<u>ACCD – Workforce Development</u>	<u>750,000.00</u>
<u>7120010000</u>	<u>Economic Development</u>	<u>750,000.00</u>

(2) The following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100040000</u>	<u>Special Education</u>	<u>5,770,436.00</u>
<u>5100050000</u>	<u>State placed Students</u>	<u>3,303,708.00</u>

<u>5100090000</u>	<u>Education Grants</u>	<u>1,907,842.00</u>
<u>5100110000</u>	<u>Small Schools</u>	<u>596,191.00</u>
<u>5100190000</u>	<u>Essential Early Education</u>	<u>360,491.00</u>
<u>5100200000</u>	<u>Technical Education</u>	<u>1,713,671.00</u>
<u>5100010000</u>	<u>Administration</u>	<u>115,260.00</u>
<u>5100891804</u>	<u>Education Funding Study</u>	<u>2,401.00</u>
<u>1140060000</u>	<u>Reappraisal &amp; Listing Payments</u>	<u>190,948.00</u>
	<u>Total</u>	<u>13,960,950</u>

(3) The following amounts shall revert to the Tobacco Fund from the accounts indicated:

<u>3400891802</u>	<u>Invest Substance Use Treat</u>	<u>2,000,000</u>
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(d) In fiscal year 2021, the following General Fund reserves shall be made:

(1) Pursuant to 32 V.S.A. § 308 and Section D.100.2 of this Act, \$541,962 shall be reserved in the General Fund Budget Stabilization Reserve.

(e) In fiscal year 2021, \$2,148,800 is unreserved from the Transportation Fund Stabilization Fund established in 32 V.S.A. § 308a.

**Sec. D.102 CONTRIBUTION TO THE 27/53 RESERVE**

(a) \$1,850,000 general fund shall be reserved in the 27/53 reserve in fiscal year 2021. This action is the fiscal year 2021 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. §308e.

Sec. D.103 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103, as amended by 2013 Acts and Resolves No. 1, Sec. 65, as amended by 2014 Acts and Resolves No. 95, Sec. 62, as amended by 2018 Acts and Resolves No. 87, Sec. 47, as amended by 2018 (Sp. Sess.) Acts and Resolves No. 11 Sec. E.111.1, as amended by 2019 Acts and Resolves No. 6, Sec.102 is further amended to read:

**Sec. 282 TAX COMPUTER SYSTEM MODERNIZATION FUND**

(a) Creation of fund.

(1) There is established the Tax Computer System Modernization Special Fund to consist of:

\* \* \*

~~(C) Thirty percent of the incremental tax receipts received as a direct result of the implementation of the integrated tax system beginning in calendar year 2014, including any additional data warehouse modules. The~~



Commissioner of Finance and Management shall approve baseline tax receipts in order to measure the increment from the new integrated tax system. An amount not to exceed two percent of the total revenue collected from billed and offset liabilities made by the Department of Taxes.

\* \* \*

Sec. D.104 2019 Acts and Resolves No. 72, Sec. C.115 is amended to read:

Sec. C.115 SPECIAL FUND APPROPRIATION FOR TAX COMPUTER SYSTEMS

(a) In fiscal year 2019, \$10,000,000 is appropriated to the Department of Taxes from the Tax Computer System Modernization Special Fund established pursuant to 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103, as amended by 2013 Acts and Resolves No. 1, Sec. 65, as amended by 2014 Acts and Resolves No. 95, Sec. 62, as amended by 2018 Acts and Resolves No. 87, Sec. 47, as amended by 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.111.1, and as further amended by 2019 Acts and Resolves No. 6, Sec. 102. This appropriation shall carry forward through fiscal year ~~2022~~ 2025.

\* \* \* GENERAL GOVERNMENT \* \* \*

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following permanent classified positions is authorized in fiscal year 2021 and shall be transferred and converted from existing vacant positions in the Executive Branch and shall not increase the total number of authorized State positions, as defined in Section A.107 of this Act:

(1) In the Agency of Agriculture, Food and Markets' Clean Water Division – Two (2) positions as follows,

(A) Two (2) Water Quality Specialist II positions.

Sec. E.100.1 10 V.S.A. § 1389b(a) is amended to read:

(a) On or before January 15, ~~2024~~ 2023, the Secretary of Administration shall submit to the House and Senate Committees on Appropriations, the Senate Committee on Finance, the House Committee on Ways and Means, the Senate Committee on Agriculture, the House Committee on Agriculture and Forestry, the Senate Committee on Natural Resources and Energy, and the House Committee on Natural Resources, Fish, and Wildlife a program audit of the Clean Water Fund. The audit shall include:

\* \* \*

Sec. E.100.2 2014 Acts and Resolves No. 179, Sec. E100(d), as amended by 2015 Acts and Resolves No. 4, Sec. 74, 2106 Acts and Resolves No. 172, Sec. E.100.2, 2017 Acts and Resolves No. 85, Sec. E.100.1, amended by 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.100.1 and by 2020 Acts and Resolves No. 120, Sec. A.7 is further amended to read:

(d) Position Pilot Program. A Position Pilot is hereby created to assist participating departments in more effectively managing costs of overtime, compensatory time, temporary employees, and contractual work by removing the position cap with the goal of maximizing resources to the greatest benefit of Vermont taxpayers.

\* \* \*

(7) This Pilot shall sunset on ~~September 30, 2020~~ July 1, 2021, unless extended or modified by the General Assembly.

Sec. E.111 Tax – administration/collection

(a) Of this appropriation, \$15,000 is from the Current Use Administration Special Fund established by 32 V.S.A. § 9610(c) and shall be used for programming changes to the CAPTAP software used by municipalities for establishing property values and administering their grand lists.

\* \* \* Tax Increment Financing Districts \* \* \*

Sec. E.111.1 TAX INCREMENT FINANCING DISTRICTS; DEBT INCURRENCE PERIODS; EXTENSIONS

(a) Notwithstanding any other provision of law, the period to incur indebtedness is extended for the following tax increment financing districts:

(1) The Barre City Downtown Tax Increment Financing District is extended to March 31, 2023.

(2) The Bennington Downtown Tax Increment Financing District is extended to March 31, 2028.

(3) The Burlington Downtown Tax Increment Financing District is extended to March 31, 2022.

(4) The three properties located within the Burlington Waterfront Tax Increment Financing District at 49 Church Street and 75 Cherry Street, as designated on the City of Burlington's Tax Parcel Maps as Parcel ID# 044-4-004-000, Parcel ID# 044-4-004-001, and Parcel ID# 044-4-033-000, is extended to June 30, 2022; provided, however, that the extension of the period to incur indebtedness is subject to the City of Burlington's submission to the Vermont Economic Progress Council on or before June 30, 2022 of an executed construction contract with a completion guarantee by the owner of

the parcels evidencing commitment to construct not less than \$50 million of private development on the parcels.

(5) The Montpelier Tax Increment Financing District is extended to March 31, 2029.

(6) The South Burlington Tax Increment Financing District is extended to March 31, 2023.

(7) The St. Albans City Downtown Tax Increment Financing District is extended to March 31, 2023.

(b) This section does not:

(1) extend any period that the municipal or education tax increment may be retained by the tax increment financing districts listed in subsection (a) of this section.

(2) amend any other tax increment financing requirements set forth in 24 V.S.A. chapter 53, subchapter 5; 32 V.S.A. § 5404a; or the TIF District Rule adopted in May 2015, applicable to the tax increment financing districts listed in subsection (a) of this section.

Sec. E.111.2 2013 Acts and Resolves No. 80, Sec. 18, as amended by 2016 Acts and Resolves No. 134, Sec. 9a, is further amended to read:

Sec. 18. BURLINGTON WATERFRONT TIF

(a) The authority of the City of Burlington to incur indebtedness for its waterfront tax increment financing district is hereby extended for five years beginning January 1, 2015; provided, however, that the City is authorized to extend the period to incur indebtedness for 6.5 years beginning on January 1, 2015 for three properties located within the waterfront tax increment financing district at 49 Church Street and 75 Cherry Street, as designated on the City's Tax Parcel Maps as the following:

- (1) Parcel ID# 044-4-004-000;
- (2) Parcel ID# 044-4-004-001;
- (3) Parcel ID# 044-4-033-000.

\* \* \*

~~(c) The extension of the period to incur indebtedness for the specific parcels in subdivision (a)(1)–(3) of this section is subject to the City of Burlington's submission to the Vermont Economic Progress Council of an executed construction contract with a completion guarantee by the owner of the parcels evidencing commitment to construct not less than \$50 million of private development on the parcels.~~

Sec. E.112 ELECTRIC LAWNMOWERS, LEAF BLOWERS, AND TRIMMERS; DEPARTMENT OF BUILDINGS AND GENERAL SERVICES

(a) Beginning on October 1, 2020, the Department of Buildings and General Services shall only purchase, lease, or acquire electric lawnmowers, leaf blowers, and trimmers, provided a functional equivalent electric product is available.

Sec. E.125 LEGISLATIVE COUNCIL RESTRUCTURING

(a) To implement the provisions of 2020 Acts and Resolves No. 144, An act relating to restructuring and reorganizing General Assembly staff offices, the Department of Finance and Management shall work with the Legislative Branch to establish a new business unit for the Office of Legislative Counsel and for the Office of Legislative Information Technology. The establishment of these new business units, as well as associated changes to internal service billing and/or other budget-related matters shall be accomplished in time for fiscal year 2022 budget development.

Sec. E.126 2020 Acts and Resolves No. 120, Sec. A.49(a)(1) is amended to read:

(1) Legislature: \$2,000,000 is appropriated to the Legislature for costs incurred for an estimated six-week extension of the during the 2020 session in fiscal year 2021 (August and September 2020) due to the response to the Coronavirus pandemic. This extension to legislative work may be conducted in a remote or partially remote manner. Funds may be transferred to appropriation units within the General Assembly as necessary to reimburse eligible fiscal year 2020 and 2021 expenditures. Any transfers shall be reviewed and approved through traditional transfer approval processes by the Secretary of Administration and shall be reported by the Joint Fiscal Office to the Joint Legislative Management Committee and the Commissioner of Finance and Management.

Sec. E.126.1 GENERAL ASSEMBLY; ALTERNATIVE LOCATION AND MANNER OF CONVENING, ORGANIZING, AND HOLDING SESSIONS OF THE 2021–22 LEGISLATIVE BIENNIIUM

(a) If the COVID-19 global pandemic necessitates a departure from the customary convening and organizing procedures of either chamber of the General Assembly, the Rules Committee of the respective chamber shall, not later than December 31, 2020, adopt alternative procedures to allow for the safe and orderly convening and organizing of the chamber. The House and Senate Rules Committees may also draft temporary rules to be considered for

adoption on the day of organization to address all subsequent meetings of committees or the full chamber. The Joint Rules Committee may adopt draft temporary joint rules to be considered for adoption on the day of organization to address the manner of conducting joint assemblies.

Sec. E.126.2 USE OF SPACE; FINDINGS; PURPOSE

(a) The General Assembly currently finds that it is may be necessary for the Legislative Branch to use space in addition to the State House in Montpelier during the 2021–22 biennium to meet social distancing requirements and mitigate the public health impacts of the COVID-19 pandemic.

(b) The purpose of Sec. E.126.3 of this act is to provide an alternate alternative locations, if necessary, during the 2021–22 biennium of the General Assembly for the Legislative Branch to use in order to protect the public health, safety, and welfare during the COVID-19 pandemic while also maintaining the ability of the Legislative Branch to perform its constitutional legislative duties.

Sec. E.126.3 GENERAL ASSEMBLY; STATE BUILDINGS; USE OF SPACE; AUTHORITY OF SERGEANT AT ARMS; 2021–22 LEGISLATIVE BIENNIUM

(a) Notwithstanding the provisions of 29 V.S.A. § 165 and any other provision of law to the contrary, the Legislative Branch shall have exclusive use of the following locations during the 2021–22 legislative biennium in order to perform its constitutional duties:

(1) 133 State Street:

(A) Basement: stock room and rooms 012, 016, 015, 021, and 022.

(B) First Floor: rooms 121, 122, and 126.

(C) Fourth Floor: board room.

(D) Fifth Floor: entire floor.

(2) 109 State Street:

(A) Basement: rooms B07 and B015 and surrounding space;

(B) Second floor: rooms 264, 267, 268, and 270.

(C) Fourth floor: conference room.

(3) 111 State Street: library stacks room on the second floor.

(b) The Sergeant at Arms shall consult with the Commissioner of Buildings and General Services on ways to minimize any disruption to State employees if space in a State building is needed.

(c) The authority of the Sergeant at Arms set forth in 2 V.S.A. chapter 62 shall apply in any rooms or spaces occupied by the Legislative Branch.

#### Sec. E.126.4 BODY CAMERAS

The Sergeant-at-Arms shall present a draft policy regarding the use of body cameras by Capitol Police to the Joint Legislative Management Committee not later than November 30, 2020. The Joint Legislative Management Committee shall adopt an interim policy not later than December 31, 2020.

Sec. E.127 2020 Acts and Resolves No. 109, Sec. 36(a)(1) is amended to read:

(1) Joint Fiscal Committee: \$600,000 is appropriated to the Legislative Joint Fiscal Committee for use or transfer to appropriation units within the General Assembly as necessary to reimburse eligible fiscal year 2020 and 2021 expenditures. The transfers shall be reviewed and approved through traditional transfer approval processes by the Secretary of Administration. The Joint Fiscal Office shall provide a list of the COVID-19 expenditures funded by this appropriation and related documentation and transfers to other legislative departments to the Joint Legislative Management Committee, the Joint Fiscal Committee, and the Commissioner of Finance and Management ~~on~~ or before July 30, 2020.

Sec. E.130 32 V.S.A. § 168 is amended to read:

#### § 168. SINGLE AUDIT REVOLVING FUND

(a)(1) The Single Audit Revolving Fund is established within the State Treasury, to be administered by the Auditor of Accounts, from which payments may be made for the costs of audits performed pursuant to ~~subdivision~~ subdivisions 163(1) and (2) of this subchapter and 24 V.S.A. § 290b.

(2) All monies received from charges made for audit services under the provisions of subsection (b) of this section and sums that may be appropriated to the Fund shall be deposited in the Fund.

(3) Any balance remaining in the Fund at the end of any fiscal year shall be carried forward and remain a part of the Fund.

(b)(1) The Auditor of Accounts shall charge the State department, agency, commission, instrumentality, political subdivision, or State-created authority audited for the direct and indirect costs of an audit performed pursuant to

~~subdivision~~ subdivisions 163(1) and (2) of this subchapter and 24 V.S.A. § 290b.

(2) Costs shall be determined by the Auditor of Accounts and costs associated with subdivisions 163(1) and (2) of this subchapter shall be approved by the Secretary of Administration.

Sec. E.130.1 24 V.S.A. § 290b is amended to read:

§ 290b. AUDITS

\* \* \*

(c) The Auditor of Accounts and his or her designee may at any time examine the records, accounts, books, papers, contracts, reports, and other materials of the county sheriff departments as they pertain to the financial transactions, obligations, assets, and receipts of that department. The Auditor, or his or her designee, shall conduct an audit of the accounts for a sheriff's department whenever the incumbent sheriff leaves office, and the auditor shall charge for the costs of the report pursuant to 32 V.S.A. § 168(b).

(d) Annually, each sheriff shall furnish the Auditor of Accounts on forms provided by the Auditor a financial report reflecting the financial transactions and condition of the sheriff's department. The sheriff shall submit a copy of this report to the assistant judges of the county. The assistant judges shall prepare a report reflecting funds disbursed by the county in support of the sheriff's department and forward a copy of their report to the Auditor of Accounts. The Auditor of Accounts shall compile the reports and submit one report to the House and Senate Committees on Judiciary. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the required report to be made under this subsection.

(e) Biennially, according to a schedule established by the Auditor of Accounts, ~~each sheriff~~ the Auditor shall retain a public accountant ~~selected by the sheriff and the assistant judges~~ to conduct an audit of the financial systems, controls, and procedures within ~~the each~~ department. The public accountant shall prepare a written report detailing the review of the department. A copy of this report shall be forwarded to the sheriff, assistant judges, and the Auditor of Accounts. ~~The cost of this report Auditor shall be paid by the Secretary of Administration, Auditor of Accounts, and the sheriff's department, in equal amounts~~ charge for the costs of the report pursuant to 32 V.S.A. § 168(b).

Sec. E. 130.2 PANDEMIC USE OF STATE PAID SHERIFF'S DEPUTIES

(a) The Auditor of Accounts shall review the use of State-paid sheriff's deputies statewide during the pandemic period from March 2020 through July

2020 and shall report any findings regarding funding sources used or revenue generated by sheriffs resulting from the use of deputies to the House and Senate Committee on Judiciary on or before January 15, 2021.

Sec. E.131 CAPITAL DEBT AFFORDABILITY ADVISORY  
COMMITTEE; CALENDAR YEAR 2020 ANNUAL REPORT

(a) Notwithstanding 32 V.S.A. §§ 1001 and 1001a, or any other provisions of law, in calendar year 2020, the Capital Debt Affordability Advisory Committee shall submit to the Governor and the General Assembly the Committee's estimate of net State tax-supported debt that prudently may be authorized for the next fiscal year, together with a report exploring the basis for the estimate on or before October 30, 2020.

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2021, investment fees shall be paid from the corpus of the Fund.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation in Sec. B.139 of this act, \$9,000 shall be transferred to the Attorney General and \$70,000 shall be transferred to the Department of Taxes, Division of Property Valuation and Review and reserved and used with any remaining funds from the amount previously transferred for final payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. and its successor Great River Hydro, LLC in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. E.142 Payments in lieu of taxes

(a) This appropriation is for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act. Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.143 Payments in lieu of taxes – Montpelier

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.144 Payments in lieu of taxes – correctional facilities

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.



\* \* \* PROTECTION TO PERSONS AND PROPERTY \* \* \*

Sec. E.200 Attorney general

(a) Notwithstanding any other provisions of law, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the State share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the State share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$1,390,500 is appropriated in Sec. B.200 of this act.

Sec. E.200.1 3 V.S.A. § 167 is amended to read:

~~§ 167. PUBLIC FUNDS INVESTIGATION SPECIAL FUND~~

~~There is established a Public Funds Investigation Special Fund, pursuant to 32 V.S.A. chapter 7, subchapter 5. At the end of each fiscal year, revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4) may be used to bring the unencumbered Fund balance up to \$100,000.00. Monies in the Fund shall be available for expenditure by the Attorney General and State's Attorneys to pay expenses, as the Attorney General and the State Auditor shall agree, for independent contractors, including accountants, necessary for investigation and prosecution of embezzlement or other financial crimes in which public funds are alleged to have been misused. [Repealed.]~~

Sec. E.200.2 9 V.S.A. § 2458(b) is amended to read:

(b) In addition to the foregoing, the Attorney General or a State's Attorney may request, and the court is authorized to render any other temporary or permanent relief, or both, as may be in the public interest including:

(1) the imposition of a civil penalty of not more than \$10,000.00 for each unfair or deceptive act or practice in commerce, and of not more than \$100,000.00 for an individual or \$1,000,000.00 for any other person for each unfair method of competition in commerce;

(2) an order for restitution of cash or goods on behalf of a consumer or a class of consumers similarly situated;

(3) an order requiring reimbursement to the State of Vermont for the reasonable value of its services and its expenses in investigating and prosecuting the action;

(4) amounts other than consumer restitution recovered by the Attorney General or Department of State's Attorneys and Sheriffs under this chapter,

but not to exceed amounts annually appropriated, or authorized pursuant to ~~3 V.S.A. § 167~~ or 32 V.S.A. § 511, shall be deposited into special funds which shall be available to the Attorney General or Department of State's Attorneys and Sheriffs, respectively to offset the costs of providing legal services.

Sec. E.204 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. C.106, as amended by 2019 Acts and Resolves No. 6, Sec. 91, is further amended to read:

Sec. C.106 CHINS CASES SYSTEM-WIDE REFORM

(a) The sum of \$7,000,000 is appropriated from the Tobacco Litigation Settlement Fund to the Judiciary in fiscal year 2018 and shall carry forward for the uses and based on the allocations set forth in subsections (b) and (c) of this section. The purpose of the funds is to make strategic investments to transform the adjudication of CHINS cases in Vermont.

(b) The sum appropriated from the Tobacco Litigation Settlement Fund in subsection (a) of this section shall be allocated as follows:

(1) \$1,250,000 for use in fiscal year 2019 or to be carried forward as follows:

\*\*\*

(2) ~~\$2,500,000 for fiscal year 2020, for which the group shall provide proposed expenditures as part of its fiscal year 2020 budget request or budget adjustment request, or both; \$1,841,664 for fiscal year 2021, or to be carried forward, to be used as recommended in the CHINS Reform Workgroup Budget dated March 24, 2020;~~

(3) ~~\$2,500,000 for fiscal year 2021, for which the group shall provide proposed expenditures as part of its fiscal year 2021 budget request or budget adjustment request, or both; and \$2,765,964 for fiscal year 2022, or to be carried forward, to be used as recommended by the CHINS Reform Workgroup Budget dated March 24, 2020; and~~

(4) ~~750,000~~ \$1,142,372 in fiscal year ~~2022~~ 2023 or after as needed.

\* \* \*

Sec. E.209 Public safety – state police

(a) Of this appropriation, \$35,000 in special funds shall be available for snowmobile law enforcement activities and \$35,000 in general funds shall be available to the Southern Vermont Wilderness Search and Rescue Team, which comprises State Police, the Department of Fish and Wildlife, county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) Of this appropriation, \$405,000 is allocated for grants in support of the Drug Task Force. Of this amount, \$190,000 shall be used by the Vermont Drug Task Force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the Commissioner to fund the work of the Drug Task Force or carried forward.

Sec. E.209.1 20 V.S.A. § 1818 is added to read:

§ 1818. EQUIPMENT OF OFFICERS WITH VIDEO RECORDING DEVICES

The Department shall ensure that all members assigned to the Vermont State Police Field Force Division who routinely engage with members of the public related to the enforcement of laws are equipped with a body camera or other video recording device on his or her person.

Sec. E.209.2 2020 Acts and Resolves No. 147, Sec. 8 is amended to read:

Sec. 8. DEPARTMENT OF PUBLIC SAFETY; VIDEO RECORDING DEVICES; ONGOING COSTS

The Department of Public Safety shall immediately initiate the acquisition and deployment of video recording devices to comply with the requirements of 20 V.S.A. § 1818. The ongoing costs of the devices that cannot be accommodated within the Department's budget shall be included in the Department's fiscal year 2021 budget proposal to the General Assembly in August of 2020. The Department shall complete the deployment of video recording devices in accordance with the requirements of 20 V.S.A. § 1818 on or before March 31, 2021.

Sec. E.209.3 VIDEO RECORDING DEVICE: REPEAL

(a) 2020 Acts and Resolves No. 147, Sec. 7 (equipment of officers with video recording devices) is repealed.

Sec. E.212 Public safety – fire safety

(a) Of this General Fund appropriation, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force for the purpose of designing dry hydrants.

Sec. E.215 Military – Administration

(a) The amount of \$953,906 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard Educational Assistance program established in 16 V.S.A. § 2856 and the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

(b) Subsection (a) of this section supersedes the disbursement referenced in 2020 Acts and Resolves No. 120, Sec. A.23.

Sec. E.215.1 VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM; COVID-19

(a) Findings and purpose.

(1) An eligible member of the Vermont National Guard is entitled to certain tuition benefits for courses taken at Vermont postsecondary educational institutions under the Vermont National Guard Tuition Benefit Program (16 V.S.A. § 2857).

(2) One of the eligibility requirements to participate in this Program is that the member must have successfully completed basic training.

(3) Due to safety measures implemented to address the COVID-19 pandemic, the number of available basic training slots has been reduced, making it impossible for members who are new enlistees to complete basic training prior to the fall college semester.

(4) The purpose of this section is to allow these new enlistees to gain the benefits of the Program if they would otherwise qualify to participate in the Program.

(b) Interim Vermont National Guard Tuition Benefit Program. The Interim Vermont National Guard Tuition Benefit Program (Interim Program) is created solely for new enlistees who have not completed basic training due solely to the reduced number of available basic training slots as a result of safety measures implemented to address the COVID-19 pandemic. The structure, administration, and terms and conditions of this Interim Program shall be identical to the Vermont National Guard Tuition Benefit Program under 16 V.S.A. § 2857, except that the Interim Program shall not require that a member has successfully completed basic training. Eligible members under the Interim Program shall be entitled to this tuition benefit for courses offered by participating postsecondary educational institutions only during the fall 2020 semester.

(c) Vermont National Guard Tuition Benefit Program waiver. For new enlistees who want to use the tuition benefit under the Vermont National Guard Tuition Benefit Program established under 16 V.S.A. § 2857 for the spring 2021 semester and thereafter but have not completed basic training due solely to the reduced number of available basic training slots as a result of safety measures implemented to address the COVID-19 pandemic, the requirement to have successfully completed basic training (16 V.S.A. § 2857(c)(2)) is waived.

(d) Verification of future basic training. Before funds are allocated to a member under subsection (b) or (c) of this section, the Adjutant General shall provide verification to VSAC that the member has a reservation for a future basic training class.

(e) Service commitment. Academic attendance under the Interim Program shall count toward the member's service commitment under the Vermont National Guard Tuition Benefit Program, 16 V.S.A. § 2857(d).

(f) Other Program waivers authorized as necessary. In order to accommodate the Program changes described in subsections (b) and (c) of this section, where prompted by COVID-19 pandemic conditions the Adjutant General, on the recommendation of VSAC, may waive or partially suspend certain administrative and documentation requirements of the Program.

(g) Repeal. This section is repealed on the date that the Adjutant General certifies to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Government Operations that all members who had not completed basic training due solely to the reduced number of available basic training slots as a result of safety measures implemented to address the COVID-19 pandemic have successfully completed, or are currently attending, basic training. A copy of this certification shall be sent at the same time to the Office of Legislative Counsel.

#### Sec. E.219 Military – Veterans' Affairs

(a) Of this appropriation, \$1,000 shall be used for continuation of the Vermont Medal Program; \$4,800 shall be used for the expenses of the Governor's Veterans' Advisory Council; \$7,500 shall be used for the Veterans' Day parade; \$5,000 shall be used for the Military, Family, and Community Network; and \$10,000 shall be granted to the American Legion for the Boys' State and Girls' State programs.

#### Sec. E.220 Center for crime victim services

(a) Notwithstanding 20 V.S.A. § 2365(c), the Vermont Center for Crime Victim Services shall transfer \$52,699.60 from the Domestic and Sexual Violence Special Fund established in 13 V.S.A. § 5360 to the Criminal Justice Training Council for the purpose of funding one-half the costs of the Domestic Violence Trainer position. The other half of the position will be funded with an appropriation to the Criminal Justice Training Council.

#### Sec. E.224 Agriculture, food and markets – agricultural development

(a) Of the funds appropriated in Sec. B.224 of this act, the amount of \$594,000 in general funds is appropriated for expenditure by the Working Lands Enterprise Board established in 6 V.S.A. § 4606 for investments in food

and forest system businesses and services providers pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5, as amended by 2014 Acts and Resolves No. 179, Sec. E.224.1.

\* \* \* HUMAN SERVICES \* \* \*

Sec. E.300 DEPOSIT AND USE OF MASTER SETTLEMENT FUND

(a) Deposit of Master Tobacco Settlement receipts and appropriations of Tobacco Settlement funds in fiscal year 2021 are made, notwithstanding 2013 Acts and Resolves No. 50, Sec. D.104.

Sec. E.300.1 FUNDING FOR THE OFFICE OF THE HEALTH CARE ADVOCATE

(a) Of the funds appropriated in Sec. B.300 of this act, \$1,457,406 shall be used for the contract with the Office of the Health Care Advocate.

Sec. E.300.2 FUNDING FOR SPRINGFIELD BANKRUPTCY SETTLEMENT

(a) Of the funds appropriated in Sec. B.300 of this act, \$6,000,000 shall be used for the purposes of making a payment to Springfield Hospital and Springfield Medical Care System as a result of a bankruptcy proceeding.

Sec. E.301 Secretary's office – Global Commitment:

(a) The Agency of Human Services shall use the funds appropriated in this section for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, the Department of Vermont Health Access, as provided for in the Global Commitment for Health Waiver (Global Commitment) approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the State funds appropriated in this section, a total estimated sum of \$24,283,719 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$21,467,550 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount, combined with \$29,032,450 of federal funds appropriated in Sec. B.301 of this act, equals a total estimated expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment

Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$2,816,169 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. E.301.1 Secretary's office – Global Commitment

(c) Up to \$10,600,000 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 – Secretary's Office – Global Commitment of this act.

Sec. E.301.2 GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER;  
REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2021, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2021 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. E.301.3 2020 Acts and Resolves No. 120 (First Quarter Budget of Fiscal Year 2021) is amended by striking out Sec. A.24a in its entirety and inserting in lieu thereof a new Sec. A.24a. to read as follows:

Sec. A24.a GLOBAL COMMITMENT WAIVER AMENDMENT

(a) The Secretary of Human Services is authorized to seek a no-change extension of Vermont's Global Commitment to Health Section 1115 Demonstration for the period of January 1, 2022 through December 31, 2023 from the Centers for Medicare and Medicaid Services. If a true no-change extension is not permitted by the Centers for Medicare and Medicaid Services, the Secretary is authorized to seek an extension of Vermont's Global Commitment to Health Section 1115 Demonstration for the period of January 1, 2022 through December 31, 2026, or an earlier date.

Sec. E.301.4 GLOBAL COMMITMENT MATCHING FUNDS FOR  
NEWBORN HOME VISITING

(a) \$154,679 of the general funds appropriated in Sec. B.301 of this act shall be used as matching funds for Global Commitment expenditures for newborn home visiting.

Sec. E.306 VERMONT HEALTH BENEFIT EXCHANGE RULES

(a) The Agency of Human Services may adopt rules pursuant to 3 V.S.A. chapter 25 to conform Vermont's rules regarding health care eligibility and enrollment and the operation of the Vermont Health Benefit Exchange to state and federal law and guidance. The Agency may use the emergency rules process pursuant to 3 V.S.A. § 844 prior to June 30, 2021, but only in the event that new state or federal law or guidance require Vermont to amend or adopt its rules in a time frame that cannot be accomplished under the traditional rulemaking process. An emergency rule adopted under these exigent circumstances shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

Sec. E.307 33 V.S.A. § 1999 is amended to read:

§ 1999. CONSUMER PROTECTION RULES; PRIOR AUTHORIZATION

(a)(1) The Pharmacy Best Practices and Cost Control Program shall authorize pharmacy benefit coverage when a patient's health care provider prescribes a prescription drug not on the preferred drug list, or a prescription drug ~~which~~ that is not the list's preferred choice, if ~~either~~ any of the circumstances set forth in subdivision (2) or (3) of this subsection applies.

(2)(A) The Program shall authorize coverage under the same terms as coverage for preferred choice drugs if the prescriber determines, after consultation with the pharmacist, or with the participating health benefit plan if required by the terms of the plan, that one or more of the following circumstances apply:

(i) ~~the~~ The preferred choice ~~has~~ has or ~~choices~~ choices have not been effective, or with reasonable certainty is ~~are~~ not expected to be effective, in treating the patient's condition; ~~or.~~

(ii) ~~the~~ The preferred choice ~~causes~~ causes or ~~choices~~ choices cause or is ~~are~~ reasonably expected to cause adverse or harmful reactions in the patient.

(iii)(I) The patient is new to the Program and has been stabilized on a prescription drug that is not on the preferred drug list or is not one of the list's preferred choices, or a current patient has been stabilized on a prescription drug that has been removed from preferred drug list or is no longer one of the list's preferred choices, and it is clinically indicated that the



patient should remain stabilized on the drug in order to avoid an adverse clinical impact or outcome.

(II) The Drug Utilization Review Board and the Department of Vermont Health Access shall clinically evaluate newly introduced medications and therapeutic classes to determine their clinical appropriateness for continuation of coverage as set forth in subdivision (I) of this subdivision (iii).

\* \* \*

~~(c) For HIV and AIDS-related medications used by individuals with HIV or AIDS, the preferred drug list and any utilization review procedures shall not be more restrictive than the drug list and the application of the list used for the State of Vermont AIDS Medication Assistance Program. [Repealed.]~~

~~(d) The Agency may include prescription drugs prescribed for the treatment of severe and persistent mental illness, including schizophrenia, major depression, or bipolar disorder, in the prior authorization process after the Health Care Oversight Committee has reviewed the report as provided for in 2005 Acts and Resolves No. 71, Sec. 305(a)(2)(A). [Repealed.]~~

\* \* \*

#### Sec. E.312 Health – public health

##### (a) AIDS/HIV funding:

(1) In fiscal year 2021 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated according to an RFP process.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by State general funds.

(3)(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall

be composed of not less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2021, the Department of Health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including syringe exchange programs; improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. Not more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(5) In fiscal year 2021, the Department of Health shall provide grants in the amount of \$150,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants will be State fiscal year 2021. Grant reporting shall include outcomes and results.

Sec. E.314 [Deleted]

Sec. E.314.1 [Deleted]

Sec. E.314.2 [Deleted]

Sec. E.316 LONG-TERM PLAN FOR JUSTICE-INVOLVED YOUTHS

(a) On or before November 15, 2020 the Agency of Human Services shall submit to the Joint Legislative Child Protection Oversight Committee, the Joint Legislative Justice Oversight Committee, the Senate Committee on Judiciary, and the House Committee on Human Services a long-term plan for Vermont youths who have historically been served by Woodside Juvenile Rehabilitation Center that; notwithstanding 2020 Acts and Resolves No. 120, Sec. A.29, is anticipated to cease operations in October 2020. The plan shall:

(1) adequately fund alternative programs and placements for youths served by Woodside, including those programs and placements that currently

accept justice-involved youths who present a risk of injury to themselves, to others, or to property; and

(2) provide placements for all youths under 18 years of age who are in the custody of the Department of Corrections, and who have historically been placed at Woodside Juvenile Rehabilitation Center instead of a Department of Corrections facility pursuant to the memorandum of understanding between the two departments.

(b) On or before December 15, 2020, the Agency of Human Services shall, in consultation with the Joint Fiscal Office, compare the costs, including available federal matching funds, associated with contracting with Becket Family Services of New Hampshire (Becket) or another provider of youth treatment and services to operate a youth treatment facility in Vermont with the costs associated with the State operating a youth treatment facility. The cost comparison shall include an evaluation of any construction and renovation costs necessary for a facility operated by Becket or another provider or the State. In the comparative cost analysis, the “no reject/no eject” service capacity need shall be included for both the contract service arrangement and the State-operated facility. The Agency shall also evaluate the capacity and expertise of Becket or another provider to successfully operate a program appropriate for the youths currently served by Woodside and Vermont youths currently placed out of State.

(c) On or before December 15, 2020, the Agency of Human Services shall report to the Joint Legislative Justice Oversight Committee regarding:

(1) the status of the fiscal year 2021 appropriation for Woodside including the costs expended to date for the partial year operation of Woodside;

(2) the placements and costs projected for the remainder of the fiscal year to house and provide services to youths who would have been served at the Woodside facility;

(3) the status of fiscal year 2021 funding for justice-involved youth placements; and

(4) the results of the cost comparison and evaluations undertaken pursuant to subsection (b) of this section.

#### Sec. E.318 CHILD CARE PROVIDER STABILIZATION GRANTS

(a) Of the funds provided in fiscal year 2021 in Sec. B.318, \$800,000 is allocated for the purpose of expanding infant and toddler child care capacity.

(b) The Division shall award grants to eligible applicants. An eligible applicant shall:

- (1) be a new or existing regulated, privately owned center-based child care program or family child care home in good regulatory standings;
- (2) participate in CCFAP;
- (3) provide year-round, full-day child care and early learning services;
- (4) provide child care and early learning services for infants and toddlers; and
- (5) participate in the Step Ahead Recognition System (STARS).

(c) Center-based child care programs or family child care homes receiving a grant pursuant to this section shall remain in compliance with the Division's rules, continue participation in STARS, and maintain enrollment of children supported by CCFAP.

#### Sec. E.318.1 CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) Notwithstanding 16 V.S.A § 4025(b):

(1) The Department for Children and Families shall align Child Care Financial Assistance Program (CCFAP) eligibility with the current federal poverty guidelines.

(2) The Department for Children and Families shall align rates of reimbursement for preschool and school age children participating in the CCFAP in fiscal year 2021 with the market rates reported on the 2015 Vermont Market Rate Survey and maintain rates of reimbursement for infants and toddlers participating in CCFAP in fiscal year 2021 aligned with the market rates reported on the 2017 Vermont Market Rate Survey.

#### Sec. E.318.2 EDUCATIONAL AND EXPERIENTIAL VARIANCE

(a) For individuals operating or employed in a registered family child care home or as a director or teacher associate in a center-based program for 10 or more years prior to September 1, 2016, the Commissioner for Children and Families or designee may issue a variance to the Child Development Division's rule regarding educational and experiential requirements to allow an individual to maintain employment in that same role regardless of whether the family child care provider, family child care assistant, director, or teacher associate intends to attain the otherwise necessary educational requirements. To be eligible for a variance, the family childcare provider, family childcare assistant, director, or teacher associate shall:

(1) work continuously in a regulated program with a full license in good standing; and

(2) meet the Division's educational and experiential requirements in place prior to the adoption of the new rule, which was effective beginning on September 1, 2016.

(b) The Commissioner or designee shall review any violation occurring in a regulated program where a family childcare provider, family childcare assistant, director, or teacher associate is under variance and may revoke the variance granted by this section depending upon the seriousness and circumstances of the violation.

(c) Any variance granted under this section shall be terminated on July 1, 2024, and extensions shall not be granted beyond that date.

Sec. E.319 15 V.S.A. § 663 is amended to read:

§ 663. SUPPORT ORDERS; REQUIRED CONTENTS

(a) Every order for child support made or modified under this chapter shall be issued in a standardized format and sent to the Registry in the Office of Child Support. The order shall include:

(1) The name, address, e-mail address, Social Security number, and employer of both parents.

\* \* \*

(b) Child care costs shall be specifically stated in the order for the purpose of providing information on the amount of child care costs used to compute the total support obligation.

(c) Every order for child support made or modified under this chapter on or after July 1, 1990, shall:

(1) include an order for immediate wage withholding or, if not subject to immediate wage withholding, include a statement that wage withholding will take effect under the expedited procedure set forth in section 782 of this title;

(2) require payments to be made to the Registry in the Office of Child Support unless subject to an exception under 33 V.S.A. § 4103;

(3) require that every party to the order must notify the Registry in writing of their current mailing address, current e-mail address, and current residence address and of any change in ~~either~~ any address within seven business days of the change, until all obligations to pay support or support arrearages or to provide for visitation are satisfied;

(4) include in bold letters notification of remedies available under section 798 of this title;

(5) include in bold letters notification that the parent may seek a modification of his or her support obligation if there has been a showing of a real, substantial and unanticipated change of circumstances.

\* \* \*

#### Sec. E.321 GENERAL ASSISTANCE HOUSING

(a) Funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2021 may be used for temporary housing in catastrophic situations and for vulnerable populations, as defined in rules adopted by the Agency. The Commissioner for Children and Families may, by policy, provide temporary housing for a limited duration in adverse weather conditions when appropriate shelter space is not available.

#### Sec. E.321.1 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM; COMMUNITY-BASED ALTERNATIVES TO GENERAL ASSISTANCE TEMPORARY HOUSING

(a) For fiscal year 2021, the Agency of Human Services may continue to fund housing assistance programs within the General Assistance program to create flexibility to provide General Assistance benefits, as well as grants to support the establishment of community-based alternatives for temporary housing as part of the effort to reduce the number of individuals temporarily housed by the General Assistance program. The purpose of these housing assistance programs and community-based alternatives is to mitigate poverty and serve applicants more effectively than they are currently being served with General Assistance funds. Eligible activities shall include, among other things, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream prevention, and related services that ensure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The Agency may award grants to homeless and housing service providers for eligible activities. Where such housing assistance programs and grants are provided, and community-based programs are established, the General Assistance rules shall not apply. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The housing assistance and community-based programs may operate in up to 12 districts designated by the Secretary of Human Services. The Agency shall establish goals and procedures for evaluating the program overall, including performance measures that demonstrate program results, and for each district in which the Agency operates the program, it shall establish procedures for evaluating the district program and its effects.

(c) The Agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of housing assistance programs and community-based alternatives to General Assistance temporary housing.

Sec. E.323 16 V.S.A. § 2878a is amended to read:

§ 2878a. PARTICIPATION AGREEMENTS FOR INVESTMENT PLAN;  
INDIVIDUAL DEVELOPMENT INVESTMENT ACCOUNTS  
VERMONT MATCHED SAVINGS PROGRAM

The Corporation may participate in the Individual Development Investment Program Vermont Matched Savings Program established under 33 V.S.A. § 1123, in accordance with the rules of the Agency of Human Services adopted thereunder, in connection with an individual or family who, at the time of depositing funds into an account created pursuant to a Vermont Higher Education Investment Plan, receives public assistance or is otherwise an eligible saver under 33 V.S.A. § 1123.

Sec. E.323.1 33 V.S.A. § 1123 is amended to read:

§ 1123. INDIVIDUAL DEVELOPMENT SAVINGS VERMONT  
MATCHED SAVINGS PROGRAM

(a) As used in this section:

\* \* \*

(9) “Fund” means the Individual Development Matching Vermont Matched Savings Grant Special Fund established by this section.

\* \* \*

(11) “Program” means the Individual Development Savings Vermont Matched Savings Program established by this section.

\* \* \*

(b) The Agency shall establish by rule standards and procedures to implement and administer the Individual Development Savings Vermont Matched Savings Program. The Program may include a program with eligibility criteria that satisfy federal funding requirements or the requirements of other funding sources that are more restrictive than those established in subsection (a) of this section, and a program funded by State appropriations and other revenue. Such standards and procedures shall include the following:

\* \* \*

(8) The Agency shall establish by rule any other standards and procedures necessary or desirable to implement the Individual Development

Savings Vermont Matched Savings Program, including minimum requirements for approval of savings plans, criteria for training and counseling, reporting requirements for participating financial institutions, and matching fund allocation standards.

(c)(1) The ~~Individual Development Matching~~ Vermont Matched Savings Grant Special Fund is established in the State Treasury and shall be administered in accordance with the provisions of 32 V.S.A. chapter 7, subchapter 5, except that interest earned on the Fund shall be retained in the Fund. Into the Fund shall be deposited proceeds from grants, donations, contributions, appropriations, and other revenue authorized by law. The Fund shall be used only for the purpose of providing matching funds for the ~~Individual Development Savings~~ Vermont Matched Savings Program as established in this section, and to provide grants to service providers for administrative expenses of administering the Program.

(2) The Agency may make grants from the ~~Individual Development Matching~~ Vermont Matched Savings Grant Special Fund to service providers to provide the match for approved savings plans with enrolled savers. The amount and number of grants shall be calculated quarterly by the Agency based on the number of savers and the amounts included in their approved plans administered by each service provider so that payment of the maximum match is ensured for all savers for the period for the approved savings plans without exceeding the balance in the Fund. The Agency may award grants from the Fund to service providers to cover their expenses of training and counseling savers, and to implement and administer the ~~Individual Development Savings~~ Vermont Matched Savings Program. The Agency may approve the use of interest earnings on grant funds as a portion of approved administrative costs.

(3) The Agency and service providers, separately or cooperatively, may solicit grants and private contributions for the ~~Individual Development Matching~~ Vermont Matched Savings Grant Special Fund.

\* \* \*

#### Sec. E.324 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it, if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).



Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$1,092,000 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal Emergency Solutions Grants funds. Grant decisions shall be made with assistance from the Vermont Coalition to End Homelessness.

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.335 CORRECTIONS APPROPRIATIONS; TRANSFER; REPORT

(a) In fiscal year 2021, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

Sec. E.335.1 JUSTICE REINVESTMENT OF END OF YEAR FUNDS

(a) Notwithstanding Sec. E.335 of this act, unexpended funds in Sec. B.339 (Corrections out of state beds) of this act in fiscal year 2021 shall not be transferred. The unexpended funds shall be carried forward to fiscal year 2022 and the amount reported to the Joint Legislative Justice Oversight Committee in July 2021. These funds may only be expended on community-based service programs approved by the Joint Legislative Justice Oversight Committee.

Sec. E.338 Corrections - correctional services

(a) The special funds appropriation of \$152,000 for the supplemental facility payments to Newport and Springfield shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

\* \* \* K-12 EDUCATION \* \* \*

Sec. E.500 Education – finance and administration

(a) The Global Commitment funds appropriated in this section will be used for physician claims for determining medical necessity of Individualized Education Programs (IEPs). These services are intended to increase access to

quality health care for uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.501 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,864,249 shall be used by the Agency of Education in fiscal year 2021 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d).

Sec. E.504 Education – flexible pathways

(a) Of this appropriation, \$4,000,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c). Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$921,500 is available for dual enrollment programs, notwithstanding 16 V.S.A. § 944(f)(2), and the amount of \$41,225 is available for use pursuant to Sec. E.605.2(a) of this act;

(2) \$100,000 is available to support the Vermont Virtual Learning Cooperative at the River Valley Technical Center School District;

(3) \$200,000 is available for secondary school reform grants; and

(4) \$500,000 is available for the Vermont Academy of Science and Technology and \$2,500,000 for Early College pursuant to 16 V.S.A. § 946.

(b) Of this appropriation, \$921,500 from the General Fund is available for dual enrollment programs, and \$41,225 from the General Fund is available for need-based stipends pursuant to Sec. E.605.2(a) of this act.

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$132,141,701 of which \$125,894,201 shall be the State's contribution and \$6,247,500 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$7,213,271 is the "normal contribution," and \$124,928,430 is the "accrued liability contribution."

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

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$31,798,734 will be contributed to the Retired Teachers' Health and Medical Benefits plan.

Sec. E.515.1 PREFUNDING OF THE TEACHERS' HEALTH CARE AND MEDICAL BENEFITS FUND

(a) Of the amount appropriated in Sec. B.515 of this act, \$2,400,000 is intended to pre-fund Retired Teachers' Health Care and Medical Benefits at the earliest possible date.

\* \* \* HIGHER EDUCATION \* \* \*

Sec. E.600 University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

(c) If Global Commitment Fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the General Fund or other State funding sources.

(d) The University of Vermont will use the Global Commitment funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this program, currently representing a significant number of physicians practicing in Vermont, deliver high-quality health care services to Medicaid beneficiaries and to uninsured or underinsured persons, or both, in Vermont and across the nation.

Sec. E.602 Vermont state colleges

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.603 Vermont state colleges – allied health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other State funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs which graduate approximately 315 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries or uninsured or underinsured persons, or both.

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of this appropriation, not more than \$200,000 may be used by the Vermont Student Assistance Corporation for a student aspirational pilot initiative to serve one or more high schools.

(c) Of the appropriated amount remaining after accounting for subsections (a) and (b) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

Sec. E.605.2 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND EARLY COLLEGE STUDENTS

(a) The sum of \$82,450 shall be transferred to the Vermont Student Assistance Corporation (VSAC) from Sec. E.504(a)(1) and (b) (flexible pathways funds appropriated for dual enrollment and need-based stipend purposes) to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 946 to be used for the purchase of books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(b) VSAC shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and to the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before January 15, 2021.

\* \* \* Vermont 529 Plans \* \* \*

Sec. E.605.3 32 V.S.A. § 5825a is amended to read:

§ 5825a. CREDIT FOR VERMONT HIGHER EDUCATION INVESTMENT PLAN CONTRIBUTIONS

(a) A taxpayer of this State, including each spouse filing a joint return, shall be eligible for a nonrefundable credit against the tax imposed under section 5822 of this title of 10 percent of the first \$2,500.00 per beneficiary,

contributed by the taxpayer during the taxable year to a Vermont ~~higher education investment plan~~ Higher Education Investment Plan account under 16 V.S.A. chapter 87, subchapter 7, ~~provided the account is provided directly by the Vermont Student Assistance Corporation to the participant.~~

(b) A taxpayer who has received a credit under subsection (a) of this section shall repay to the Commissioner 10 percent of any distribution from a higher education investment plan account, ~~which distribution is not used exclusively for costs of attendance at an approved postsecondary education institution as defined in 16 V.S.A. § 2822(6),~~ up to a maximum of the total credits received by the taxpayer under subsection (a) of this section minus any amount of repayment of such credits in prior tax years except when the distribution:

(1) is used exclusively for costs of attendance at an approved postsecondary education institution as defined in 16 V.S.A. § 2822(6);

(2) qualifies as an expense associated with a registered apprenticeship program pursuant to 26 U.S.C. § 529(c)(8); or

(3) is made after the death of the beneficiary or after the beneficiary becomes disabled pursuant to subdivisions (q)(2)(C) and (m)(7) of 26 U.S.C. § 72.

(c) ~~Repayments under this subsection (b) of this section~~ shall be subject to assessment, notice, penalty and interest, collection, and other administration in the same manner as an income tax under this chapter.

Sec. E.605.4 16 V.S.A. chapter 87, subchapter 7 is amended to read:

\* \* \*

## § 2876. DEFINITIONS

As used in this subchapter, except where the context clearly requires another interpretation:

(1) “Beneficiary” means any individual designated by a participation agreement to benefit from payments for qualified postsecondary education costs ~~at an institution of postsecondary education.~~

(2) “Benefits” means the payment of qualified postsecondary education costs on behalf of a beneficiary ~~by the Corporation’s Investment Plan during the beneficiary’s attendance at an institution of postsecondary education from a participant’s investment plan account.~~

(3) “Corporation” means Vermont Student Assistance Corporation.

(4) “Internal Revenue Code” means the federal Internal Revenue Code of 1986, as amended, together with the regulations promulgated ~~thereunder~~ pursuant to that Code.

(5) ~~“Qualified postsecondary education costs” means the qualified costs of tuition and fees and other expenses for attendance at an approved postsecondary education institution~~ costs of tuition and fees for attendance at an approved postsecondary education institution, and other qualified higher education expenses as provided under 26 U.S.C. § 529.

(6) “Approved postsecondary education institution” means a postsecondary education institution as defined in section 2822 of this title.

(7) “Vermont Higher Education Investment Plan” or “Investment Plan” means ~~the program~~ one or more plans created pursuant to this subchapter.

(8) “Participant” means a person who has entered into a participation agreement pursuant to this subchapter intended for the ~~advance~~ payment of qualified postsecondary education costs on behalf of a beneficiary.

(9) “Participation agreement” means an agreement between a participant and the Corporation, pursuant to and conforming with the requirements of this subchapter.

§ 2877. VERMONT HIGHER EDUCATION INVESTMENT PLAN  
CREATED

(a) There is created a program of the State to be known as the Vermont Higher Education Investment Plan and a trust for that purpose to be administered by the Vermont Student Assistance Corporation as an instrumentality of the State. The program may consist of one or more different investment plans, including one or more plans that may be offered to a participant only with the assistance of a qualified financial advisor.

(b) In order to establish and administer the Investment Plan, the Corporation, in addition to its other powers and authority, shall have the power and authority to:

\* \* \*

(2) Enter into agreements with any ~~institution~~ of approved postsecondary education institution, the State, or any federal or other agency or entity as required for the operation of ~~the~~ an Investment Plan pursuant to this subchapter.

(3) Accept any grants, gifts, legislative appropriations, and other ~~moneys monies~~ from the State,; any unit of federal, State, or local government; or any other person, firm, partnership, or corporation for ~~deposit~~ contribution

to the account of the Investment Plan, or for the operation or other related purposes of the Corporation.

(4) Invest the funds received from participants in appropriate investment vehicles approved and held in trust for participants by the Corporation as selected by the participants, including education loans made by the Corporation.

(5) Enter into participation agreements with participants.

(6) Develop and use two or more types of participation agreements to provide a range of investment ~~structures~~ options for participants.

(7) Make payments ~~to institutions of postsecondary education on behalf of beneficiaries~~ as directed by the participants pursuant to participation agreements.

(8) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in this subchapter and the rules ~~and regulations,~~ policies, and procedures adopted by the Corporation.

(9) Make provision for the payment of costs of administration and operation of ~~the~~ an Investment Plan subject to the limitations on charges on participation agreements established in subdivision 2878(5) of this title.

(10) Adopt rules ~~and regulations,~~ policies, and procedures to implement this subchapter and take all necessary action to ensure an Investment Plan is in conformance with the Internal Revenue Code and other applicable law.

\* \* \*

#### § 2878. PARTICIPATION AGREEMENTS FOR INVESTMENT PLAN

The Corporation shall have the authority to enter into Investment Plan participation agreements with participants ~~on behalf of beneficiaries~~ pursuant to the provisions of this subchapter, including the following terms and agreements:

(1) A participation agreement shall stipulate the terms and conditions of the Investment Plan ~~in~~ to which the participant makes ~~deposits~~ contributions.

(2) A participation agreement shall clearly specify the method for calculating the return on the ~~deposit made by the participant, which may be a variable or adjustable rate of return~~ various investment options available and shall reference the relevant expenses and other pertinent information about the account.

\* \* \*

(4) A participation agreement shall clearly and prominently disclose to participants the risks associated with ~~depositing monies with the Corporation~~ the various investment options available under the applicable Investment Plan.

(5) Participation agreements shall be organized and presented in a way and with language that is easily understandable by the general public. A participation agreement shall clearly and prominently disclose to participants that the Corporation, the State, and any other governmental entity are not liable for, nor guarantee the return of or on the participant's contributions to an Investment Plan. A participation agreement shall also clearly and prominently disclose to participants the existence of any load charge or similar charge assessed against the accounts of the participants for administration, operation, or services. No fee or similar charge may be imposed with regard to an investment managed by the Corporation. Any fee, load, or similar charge with regard to any investment not managed by the Corporation shall be no greater than the cost determined by the Corporation to be required to administer the investment. The cost of originating and servicing any education loans made or acquired pursuant to participation agreements shall not be considered as load charges or similar charges.

\* \* \*

§ 2878a. PARTICIPATION AGREEMENTS FOR INVESTMENT PLAN;  
INDIVIDUAL DEVELOPMENT INVESTMENT ACCOUNTS

The Corporation may participate in the Individual Development Investment Program established under 33 V.S.A. § 1123, in accordance with the rules of the Agency of Human Services adopted thereunder, in connection with an individual or family who, at the time of ~~depositing~~ contributing funds into an account created pursuant to a Vermont Higher Education Investment Plan, receives public assistance or is otherwise an eligible saver under 33 V.S.A. § 1123.

§ 2879. INVESTMENT AND PAYMENTS

All money paid by a participant in connection with a participation agreement shall be ~~deposited~~ credited to the participant's account as received, held by the Corporation in trust for the benefit of the participant, and shall be promptly invested by the Corporation as selected by the participant from the investment options available under the participation agreement. ~~Deposits and earnings thereon accumulated on behalf of participants in the Investment Plan~~ Contributions and earnings accumulated in a participant's Investment Plan account may be used, as provided in the participation agreement, for payments to any institution of postsecondary education including for payments of qualified postsecondary education costs.



The trust shall continue in existence as long as it holds any funds belonging to a participant.

\* \* \*

§ 2879c. TAX EXEMPTION

\* \* \*

(b) Contributions to an account held under the a Vermont Higher Education Investment Plan that is provided directly by the Corporation to a participant shall be eligible for a credit against Vermont income tax as provided under 32 V.S.A. § 5825a.

§ 2879d. PROPERTY RIGHTS TO ASSETS IN THE PLAN

The assets of the Vermont Higher Education Investment Plan shall at all times be held in trust for the benefit of the participant, shall not be commingled with any other funds of the Corporation or the State, shall be preserved, invested, and expended solely and only for the purposes set forth in this chapter and in accordance with the participation agreements, and no property rights therein shall exist in favor of the Corporation or the State. Amounts held in, or withdrawn from, a participant's Investment Plan account under a participation agreement shall not be subject to liens, attachment, garnishment, levy, seizure, claim by creditors of the contributors, participants, or any beneficiary, or subject to any involuntary sale, transfer, or assignment by any execution or any other legal or equitable operation of law, including bankruptcy or insolvency laws.

\* \* \*

\* \* \* NATURAL RESOURCES \* \* \*

Sec. E.700. 10 V.S.A. § 1979(b) is amended to read:

(b)(1) The Secretary shall approve the use of sewage holding and pumpout tanks for existing or proposed buildings or structures that are owned by a charitable, religious, or nonprofit organization when he or she determines that:

(A) the plan for construction and operation of the holding tank will not result in a public health hazard or environmental damage;

(B) a designer demonstrates that an economically feasible means of meeting current standards is significantly more costly than the construction and operation of sewage holding and pumpout tanks, based on a projected 20-year life of the project; and

(C) the design flows do not exceed 600 gallons per day or the existing or proposed building or structure shall not be used to host events on more than 28 days in any calendar year.

~~(2) Before constructing a holding tank permitted under this subsection, the applicant shall post a bond or other financial surety sufficient to finance maintenance of the holding tank for the life of the system, which shall be at least 20 years. [Repealed.]~~

(3)(A) A permit issued under this subsection shall run with the land for the duration of the permit and shall apply to all subsequent owners of the property being served by the holding tank regardless of whether the owner is a charitable, religious, or nonprofit organization.

~~(B) All permit conditions, including the financial surety requirement of subdivision (2) of this subsection (b), shall apply to a subsequent owner.~~

(C) A subsequent owner shall not increase the design flows of the holding and pumpout tank system without approval from the Secretary.

Sec. E.701 32 V.S.A. § 3708(d) is amended to read:

(d) Beginning in fiscal year ~~2022~~ 2023, and thereafter in periods of ~~no~~ not less than three years and ~~no~~ not greater than five years, the Secretary of Natural Resources shall recommend an adjustment to update the base payments established under subsection (c) of this section consistent with the statewide municipal tax rate or other appropriate indicators. For years that the Secretary of Natural Resources recommends an adjustment under this subsection, a request for funding the adjustment shall be included as part of the budget report required under section 306 of this title.

Sec. E.702 FISH AND WILDLIFE; SUPPORT AND FIELD SERVICES

(a) The Commissioner of Finance and Management shall work with the Commissioner of Public Safety and the Commissioner of Fish and Wildlife to determine the appropriate funding levels for boating safety activities. Consideration shall include the distribution of federal U.S. Coast Guard Boat Safety grant funds, and the associated state match, to determine if the formula for distribution should be changed to include boat safety related enforcement activities within the Department of Fish and Wildlife. Recommendations resulting from this review shall be included in a memorandum submitted on or before April 1, 2021 to the House and Senate Committees on Government Operations, the House Committee on Natural Resources, Fish, and Wildlife, the Senate Committee on Natural Resources and Energy, and the House and Senate Committees on Appropriations.

Sec. E.706 23 V.S.A. § 3513 is amended to read:

§ 3513. LIABILITY INSURANCE; AUTHORITY TO CONTRACT FOR  
LAW ENFORCEMENT SERVICES

(a) The amount of 90 percent of the fees and penalties collected under chapter, except interest, is allocated to the Agency of Natural Resources for use by the Vermont ATV Sportsman's Association (VASA) for development and maintenance of a Statewide ATV Trail Program, for trail liability insurance, and to contract for law enforcement services with any constable, sheriff's department, municipal police department, the Department of Public Safety, and the Department of Fish and Wildlife for purposes of trail compliance pursuant to this chapter. The Departments of Public Safety and of Fish and Wildlife are authorized to contract with VASA to provide these law enforcement services. The Agency of Natural Resources shall retain for its use up to \$7,000.00 during each fiscal year to be used for administration of the State grant that supports this program.

\* \* \*

Sec. E.711 2019 Acts and Resolves No. 76, Sec. 8(a) is amended to read:

(a) ~~Until November 1, 2021~~ July 1, 2022, the Secretary shall implement the existing ecosystem restoration funding delivery program and shall not make substantial modifications to the manner in which that program has been implemented. The Secretary may give increased priority to meeting legal obligations pursuant to a total maximum daily load when implementing that funding delivery program.

\* \* \* COMMERCE AND COMMUNITY DEVELOPMENT \* \* \*

Sec E. 802. 32 V.S.A § 5930ee is amended to read:

§ 5930ee. LIMITATIONS

Beginning in fiscal year 2010 and thereafter, the State Board may award tax credits to all qualified applicants under this subchapter, provided that:

(1) the total amount of tax credits awarded annually, together with sales tax reallocated under section 9819 of this title, does not exceed ~~\$2,600,000.00~~ \$2,600,001.00.

\* \* \*

Sec. E.811 [Deleted]

\* \* \* TRANSPORTATION \* \* \*

Sec. E.900 TRANSPORTATION FUND APPROPRIATION REDUCTIONS

(a) The Secretary of Transportation, with the approval of the Secretary of

Administration, is authorized to reduce fiscal year 2021 Transportation Fund appropriations by the amount of Coronavirus Relief Funds or Federal Emergency Management Administration Funds received towards Transportation Fund expenditures in each appropriation.

(b) In July 2021, the Secretary of Administration shall report all appropriations reductions made under the authority of this section to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee.

Sec. E.900.1 EXEMPTIONS FROM TRANSPORTATION FUND BUDGET STABILIZATION RESERVES

(a) Transportation Fund amounts totaling \$44,596,927.34, reverted under the Secretary of Administration’s carry-forward authority in 2020 Acts and Resolves No. 88, Sec. 48(a), are exempt from the fiscal year 2020 Transportation Fund appropriation total used to calculate the five percent budget stabilization requirement for fiscal year 2021 in 32 V.S.A. § 308a.

Sec. E.909 Transportation – central garage

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 13(c)(2).

Sec. E.911 Transportation – town highway structures

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 306(e).

Sec. E.913 Transportation – town highway class 2 roadway

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 306(h).

\*\*\* PAY ACT; LEGISLATIVE INTENT \*\*\*

Sec. F.100 PAY ACT; FISCAL YEAR 2022 FUNDING; CONFIRMATION OF LEGISLATIVE INTENT

(a) In accordance with the Pay Act set forth in 2020 Acts and Resolves No. 120, Secs. B.1–B.5, particularly Sec. B.1(c) of that act (“Fiscal year 2022. The General Assembly will consider any compensation increases for fiscal year 2022 at a later date.”), this section confirms that the legislative intent of the Pay Act was to fully fund the first year of the collective bargaining agreements and to make a funding decision regarding the second year of those agreements at a later date and that accordingly, the Pay Act does not require the State, the Department of State’s Attorneys and Sheriffs, the Judiciary Department, and the bargaining units covered by the Pay Act to renegotiate any terms of their collective bargaining agreements that apply during the

period of July 1, 2021 through June 30, 2022 (fiscal year 2022) unless and until, in accordance with 3 V.S.A. §§ 982(c) and 1036(c), the General Assembly appropriates a different amount of funds for that period than the amount required for sufficient funding of that period.

\* \* \* ADJUSTMENTS TO THE TRANSPORTATION BILL,  
2020 ACTS AND RESOLVES NO. 121 \* \* \*

Sec. G.100 2020 Acts and Resolves No. 121, Sec. 1(d)(3) is amended to read:

(3) “Federal COVID-19 legislation” includes any federal infrastructure bills or other federal legislation that ~~provide~~ provides the State with additional federal funding for transportation-related projects in fiscal year 2021 or was enacted as a result of COVID-19, including an extension of the Fixing America’s Surface Transportation Act, Pub. L. No. 114-94 (FAST Act) that provides additional federal funding or flexibility with how federal funding can be used, such as eliminating state match requirements, or any transportation-related infrastructure stimulus bill.

Sec. G.101 2020 Acts and Resolves No. 121, Sec. 1a is amended to read:

Sec. 1a. FISCAL YEAR 2021 TRANSPORTATION INVESTMENTS  
INTENDED TO REDUCE TRANSPORTATION-RELATED  
GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL  
USE, AND SAVE VERMONT HOUSEHOLDS MONEY

\* \* \*

(2) Bike and Pedestrian Facilities Program. This act, in concert with the Capital Construction Act, provides for a fiscal year expenditure of ~~\$18,030,970.00~~ \$17,930,970.00, which will fund 39 bike and pedestrian construction projects, and 12 bike and pedestrian design, right-of-way, or design and right-of way projects for construction in fiscal year 2021. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared use paths, bike paths, and cycling lanes. Projects are funded in Arlington, Bennington, Burlington, Chester, Colchester-Essex, Dover, East Montpelier, Enosburg Falls, Fairfield, Hardwick, Hartford, Hinesburg, Jericho, Johnson, Lake Champlain causeway, Middlebury, Milton, Montpelier-Berlin, Moretown, Pittsford, Plainfield, Proctor, Richford, Rochester, Rutland City, Shelburne, South Burlington, Springfield, St. Albans City, St. George, St. Johnsbury, Swanton, Underhill, Waitsfield, Waterbury, West Rutland, Williston, and Wilmington.

\* \* \*

(4) Public Transit Program. This act authorizes ~~\$37,852,845.00~~ \$38,734,820.00 in funding for public transit uses throughout the State, which

is a ~~30.4~~ 33.5 percent increase over fiscal year 2019 levels. An additional \$3,000,000.00 flows through the State directly to the Green Mountain Transportation Authority. Included in the authorization are:

\* \* \*

(5) Rail Program. This act authorizes ~~\$30,815,640.00~~ \$31,494,448.00 for intercity passenger rail service and rail infrastructure throughout the State, including modifications to the Burlington Vermont Rail Systems railyard to accommodate overnight servicing to facilitate New York City-Burlington rail service.

\* \* \*

(8) Vehicle incentive programs. Sec. 14 of this act authorizes an additional \$50,000.00 to support administrative costs associated with MileageSmart, which is the State's used high fuel efficiency vehicle incentive program, and to ensure that the State's emissions repair program is operational not later than July 1, 2021 and the fiscal year 2021 budget appropriates and authorizes the expenditure of \$1,000,000.00 in one-time Transportation Fund monies for additional new plug-in electric vehicle incentives and program development costs under the New PEV Incentive Program. Secs. 3 and 5 Sec. 3 of this act also ~~authorize~~ authorizes the Secretary of Transportation to expend additional monies on the New PEV Incentive Program and MileageSmart if such funding becomes available.

Sec. G.102 2020 Acts and Resolves No. 121, Sec. 3 is amended to read:

Sec. 3 AGENCY SPENDING; AUTHORITY TO REDIRECT; REPORT

\* \* \*

~~(e) The Secretary of Administration shall, on or before July 31, 2020, file a written report listing all expenditures made during fiscal year 2020 under the authority of subsections (a) and (b) of this section to the House and Senate Committees on Transportation, Joint Fiscal Office, Joint Fiscal Committee, and Joint Transportation Oversight Committee. If additional funding becomes available pursuant to this section, an additional \$1,600,000.00 for leveling and paving projects shall be the top priority. The Agency shall have discretion, within the guidelines established pursuant to subsections (a) and (b) of this section, if there is more than \$1,600,000.00 available for reallocation.~~

\* \* \*

(g) ~~The reports~~ report required pursuant to ~~subsections (e) and subsection~~ (f) of this section shall be in addition to the report required pursuant to 19 V.S.A. § 10g(e).

Sec. G.103 2020 Acts and Resolves No. 121, Sec. 4 is amended to read:

Sec. 4 ADDITION OF BURLINGTON RAIL YARD REALIGNMENT  
FOR AMTRAK PROJECT; RAIL PROGRAM

(a) The following project is added to the development and evaluation list of Rail within the Agency's Fiscal Year 2020 Transportation Program, as adopted pursuant to 2019 Acts and Resolves No. 59, Sec. 1, and the ~~development and evaluation~~ construction list of Rail within the Agency's Proposed Fiscal Year 2021 Transportation Program, with a spending authorization of \$1,450,000.00 in Transportation Fund monies for construction: Burlington – Railyard Realignment for Amtrak.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Rail, authorized spending for Statewide – Amtrak Contract is reduced by \$750,000.00 in Transportation Fund monies.

(c) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Rail, authorized spending for Statewide – Rail Section Administration is reduced by \$21,192.00 in Transportation Fund monies.

Sec. G.104 2020 Acts and Resolves No. 121, Sec. 5(a) is amended to read:

(a)(1) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Maintenance, authorized spending is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal	45,757,089	45,757,089	0
Services		45,305,185	-451,904
Operating	52,896,134	52,296,134	-600,000
Expenses		54,291,051	1,394,917
Grants	240,200	240,200	0
Total	98,893,423	98,293,423	-600,000
		99,836,436	943,013
<u>Sources of funds</u>			
State	96,415,636	95,815,636	600,000
		97,358,649	943,013
Federal	2,377,787	2,377,787	0
Interdepart.	100,000	100,000	0
Transfer			
Total	98,893,423	98,293,423	600,000
		99,836,436	943,013

(2) The \$3,511,051.27 that the Highway Maintenance Bureau owes to the Central Garage Fund for withheld payment of billed invoices at fiscal year

2020 year-end is included in the operating expenses for Maintenance and this money shall be used to pay all past due invoices to the Highway Maintenance Bureau from the Central Garage Fund and fully restore the negative fund balance in the Central Garage Fund that resulted from the withholding of payment of billed invoices in fiscal year 2020.

Sec. G.105 2020 Acts and Resolves No. 121, Sec. 5a is amended to read:

Sec. 5a. ~~CLARENDON SRE BUILDING~~ AVIATION

(a) Clarendon SRE building. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Clarendon AV-FY20-001 is amended as follows:

\* \* \*

(b) Morristown fuel farm. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Morristown AV-FY21-015 is amended by increasing spending authority for construction by \$230,000.00 in Transportation Fund monies.

(c) Coventry runway 5/23. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, the sources of funds for Coventry AV-FY20-002 is amended by reducing Transportation Fund monies by \$8,000.00 and increasing federal fund monies by \$8,000.00.

(d) Paving. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, the sources of funds for Statewide AV-FY19-013 is amended by reducing Transportation Fund monies by \$14,420.00 and increasing federal fund monies by \$14,420.00; and the sources of funds for Statewide AV-FY21-003 is amended by reducing Transportation Fund monies by \$4,000.00 and increasing federal fund monies by \$4,000.00.

(e) Administrative support. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Statewide – Aviation Admin. Support is reduced by \$17,846.00 in Transportation Fund monies.

Sec. G.106 2020 Acts and Resolves No. 121, Sec. 6 is amended to read:

Sec. 6 PROGRAM DEVELOPMENT; ROADWAY

(a) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Roadway, authorized spending for Burlington MEGC M 5000(1) is amended as follows:

\* \* \*



(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Roadway, the sources of funds for Pittsford NH 019-3(491) is amended by reducing TIB funds by \$946,000.00 and increasing federal fund monies by \$946,000.00.

Sec. G.107 2020 Acts and Resolves No. 121, Secs. 7b and 7c and their corresponding reader assistance headings are added to read:

\* \* \* Paving \* \* \*

Sec. 7b. PROGRAM DEVELOPMENT; PAVING

(a) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Paving, authorized spending for construction in Statewide Federal Paving is increased by \$1,150,000.00 in Transportation Fund monies and \$4,600,000.00 in federal fund monies.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Paving, the sources of funds for Sharon—Bethel IM 089-1(66) is amended by increasing Transportation Fund monies by \$124,947.00 and federal fund monies by 167,500.00 and reducing TIB funds by \$292,447.00.

\* \* \* State Highway Bridges \* \* \*

Sec. 7c. PROGRAM DEVELOPMENT; STATE HIGHWAY BRIDGES

(a) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—State Highway Bridges, the sources of funds for North Hero—Grand Isle BHF 028-1(26) is amended by reducing TIB funds by \$2,910,000.00 and increasing federal fund monies by \$2,910,000.00.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—State Highway Bridges, the sources of funds for Middlebury WCRS(23) is amended by reducing Transportation Fund monies by \$850,000.00 and increasing federal fund monies by \$850,000.00.

Sec. G.108 2020 Acts and Resolves No. 121, Sec. 9a is added to read:

Sec. 9a. PUBLIC TRANSIT; ADMINISTRATIVE SUPPORT

(a)(1) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Public Transit, authorized spending for State Public Transportation is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	6,241,403	7,128,955	887,552
Total	6,241,403	7,128,955	887,552
<u>Sources of funds</u>			
State	6,241,403	3,190,600	-3,050,803
Federal	0	3,938,355	3,938,355
Total	6,241,403	7,128,955	887,552

(2) These amendments reflect a swap of federal fund monies for Transportation Fund monies in the amount of \$3,100,000.00, which is possible because of monies that are available for public transit under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (CARES Act), an increase in federal funds in the amount of \$838,355.00, which is the result of a Federal Transit Administration grant award for the replacement of buses, and an increase in Transportation Fund monies in an amount of \$49,197.00, which is the required match for the federal grant award for the replacement of buses.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Public Transit, authorized spending authority for Administrative Support – Public Transit Admin Support is reduced by \$5,577.00 in Transportation Fund monies.

Sec. G.109 2020 Acts and Resolves No. 121, Secs. 11 and 12 are amended to read:

#### Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2021, the amount of ~~\$1,605,358.00~~ \$1,005,358.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13, and ~~\$600,000.00~~ of this transfer shall be from one-time Transportation Fund monies appropriated and authorized for expenditure pursuant to the fiscal year 2021 budget.

#### Sec. 12. CENTRAL GARAGE EQUIPMENT

In fiscal year 2021, the amount of ~~\$8,668,094.00~~ \$8,068,094.00 is authorized for replacement equipment pursuant to 19 V.S.A. § 13(b) and, of this amount, a minimum of \$250,000.00 shall be dedicated for the replacement of Department of Motor Vehicles enforcement fleet vehicles.

Sec. G.110 2020 Acts and Resolves No. 121, Sec. 12a–12e and their corresponding reader assistance headings are added to read:

## Sec. 12a. CENTRAL GARAGE FUNDING

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Central Garage, authorized spending is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	4,612,051	4,566,949	-45,102
Operating Expenses	17,027,708	16,415,926	-611,782
Total	21,639,759	20,982,875	-656,884
<u>Sources of funds</u>			
Internal Service Fund	21,639,759	20,982,875	-656,884
Total	21,639,759	20,982,875	-656,884

\* \* \* Town Highways \* \* \*

## Sec. 12b. BRATTLEBORO-HINSDALE, NH

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Town Highway Bridge, authorized spending for Brattleboro-Hinsdale, NH is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	750,000	750,000	0
PE	0	200,000	200,000
ROW	2,875,973	4,675,973	1,800,000
Construction	1,000,000	1,000,000	0
Total	4,625,973	6,625,973	2,000,000
<u>Sources of funds</u>			
TIB	925,195	1,325,000	400,000
Federal	3,700,778	5,100,778	1,600,000
Total	4,625,973	6,625,973	2,000,000

## Sec. 12c. MONIES FOR TOWN HIGHWAYS

(a) Town Highway Structures. Notwithstanding 19 V.S.A. § 306(e)(2), the Agency shall not issue any new grants under the Town Highway Structures Program in fiscal year 2021 and authorized spending for grants in fiscal year 2021 is reduced by \$1,683,500.00 in Transportation Fund monies to a total of \$4,650,000.00 in Transportation Fund monies.

(b) Town Highway Class 2 Roadway. Notwithstanding 19 V.S.A. § 306(h), the Agency shall not issue any new grants under the Class 2 Town Highway Roadway Program in fiscal year 2021 and authorized spending for grants in

fiscal year 2021 is reduced by \$4,398,750.00 in Transportation Fund monies to a total of \$3,250,000.00 in Transportation Fund monies.

(c) Town Highway Aid. Notwithstanding 19 V.S.A. § 306(a), the fiscal year 2021 budget increases the annual appropriation for aid to town highways by \$7,000,000.00 in one-time Transportation Fund monies to a total of \$34,105,769.00 in Transportation Fund monies.

\* \* \* Department of Motor Vehicles \* \* \*

Sec. 12d. DEPARTMENT OF MOTOR VEHICLES; SAVINGS AND  
INCREASE OF LIMITED SERVICE STAFF

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for the Department of Motor Vehicles, authorized spending is increased by \$48,368.00 for personal services and reduced by \$96,059.00 for operating expenses with a corresponding reduction of \$47,691.00 in Transportation Fund monies as the source of funds.

\* \* \* Vacancy Savings; Statewide Allocated Cost Reductions \* \* \*

Sec. 12e. VACANCY SAVINGS AND STATEWIDE ALLOCATED  
COST REDUCTIONS

(a) Finance and Administration. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Finance and Administration, authorized spending is reduced by \$107,890.00 for personal services and \$28,189.00 for operating expenses with a corresponding reduction of \$136,079.00 in Transportation Fund monies as the source of funds.

(b) Policy and Planning. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Policy and Planning, authorized spending is reduced by \$28,299.00 for personal services and \$7,392.00 for operating expenses with a corresponding reduction of \$35,691.00 in Transportation Fund monies as the source of funds.

(c) Transportation Board. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Transportation Board, authorized spending is reduced by \$195.00 for personal services and \$781.00 for operating expenses with a corresponding reduction of \$976.00 in Transportation Fund monies as the source of funds.

(d) Program Development. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Administration, authorized spending is reduced by \$253,808.00 for personal services and \$66,304.00 for operating expenses with a corresponding reduction of \$320,112.00 in Transportation Fund monies as the source of funds.

## Sec. G.111 REPEALS

2020 Acts and Resolves No. 121, Secs. 5(b) (contingent funding for the vehicle incentive programs) and 5b (Morristown fuel farm) are repealed.

\* \* \* AMENDMENTS TO VEHICLE INCENTIVE PROGRAMS \* \* \*

Sec. G.112 2019 Acts and Resolves No. 59, Sec. 34(a) as amended by 2020 Acts and Resolves No. 121, Sec. 14 is further amended to read:

(a) Vehicle incentive and emissions repair programs administration.

\* \* \*

(2) The Agency is authorized to spend \$2,000,000.00 as appropriated in the fiscal year 2020 budget, \$50,000.00 in Transportation Fund monies, and any additional monies as appropriated ~~in the fiscal year 2021 budget for the programs described in subsection (b) and (c) of this section~~ or Transportation Fund monies authorized to be expended by the Secretary of Transportation pursuant to ~~Secs. 3 and 5 of this act, or both~~, on the programs described in subsections (b) and (c) of this section. Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations for the programs described in subsections (b) and (c) of this section remaining unexpended on June 30, 2021 shall be carried forward and designated for expenditure on these programs in the subsequent fiscal year.

(3) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the programs. Up to \$150,000.00 of program funding may be set aside for this purpose for the programs described in subsection (c) of this section in fiscal year 2020 and \$50,000.00 of program funding shall be set aside for this purpose for the programs described in subsection (c) of this section in fiscal year 2021 and to ensure that the emissions repair program is operational not later than July 1, 2021. ~~In fiscal year 2021, the Agency is authorized to spend up to \$200,000.00 in program funding to continue and expand the Agency's public-private partnership with Drive Electric Vermont to support the expansion of the PEV market in the State through technical and consumer assistance; auto dealer education; outreach and incentive program management, including marketing, consumer support, record keeping and reporting, program development and modification, and general program administration for the program described in subsection (b) of this section; and PEV promotional efforts. The Agency shall develop, in consultation with the Departments of Environmental Conservation and of Public Service, a scope of work for funding the Agency's grants to Drive Electric Vermont pursuant to this section.~~

\* \* \*

## \* \* \* AMENDMENTS TO ATV LAWS \* \* \*

Sec. G.113 23 V.S.A. § 3502 is amended to read:

§ 3502. REGISTRATION AND TRAIL ACCESS DECAL (TAD)  
REQUIRED; EXCEPTIONS

(a)(1) Except as otherwise provided in this section, an individual shall not operate an ATV on the VASA Trail System, on State land designated by the Secretary pursuant to subdivision 3506(b)(4) of this title, or along any highway that is not adjacent to the property of the operator unless the ATV:

(A) is registered pursuant to this title or in accordance with subsection (e) of this section; and

(B) displays a valid VASA Trail Access Decal (TAD).

(2) Notwithstanding subdivision (1) of this subsection, neither registration nor display of a TAD is required to operate an ATV:

(A) ~~on~~ On the property of the owner of the ATV;

(B) ~~in~~ In a ski area, off the highway, for the purpose of grooming snow, maintenance, or in rescue operations;

(C) ~~for~~ For official use by a federal, State, or municipal agency if the ATV is identified with the name or seal of the agency in a manner approved by the Commissioner;

(D) ~~on~~ On privately owned land when the operator is specifically invited to do so by the owner of the property and carries the written consent of the owner.

(E) On frozen bodies of water as designated by the Agency of Natural Resources under the provisions of 10 V.S.A. § 2607. Notwithstanding subdivision 3506(b)(16) of this title, protective headgear is not required when an ATV is operated on a frozen body of water pursuant to this subdivision.

\* \* \*

\* \* \* EFFECTIVE DATES \* \* \*

Sec. H.100 EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214, Sec. E.215.1 (Vermont National Guard Tuition Benefit Program, COVID-19) shall take effect on passage and shall apply retroactively to August 17, 2020.

(b) All remaining sections shall take effect on passage.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

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 on a roll call, Yeas 30, Nays 0.

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

### **Roll Call**

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

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

### **Bill Passed**

#### **S. 354.**

Senate committee bill of the following title was read the third time and passed:

An act relating to emergency provisions for the operation of government.

#### **Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**

#### **H. 795.**

House bill entitled:

An act relating to increasing hospital price transparency.

Was taken up.

Thereupon, pending third reading of the bill, Senators Lyons, Ingram, McCormack and Westman moved to amend the Senate proposal of amendment as follows:

First: In Sec. 4, hospital sustainability planning; reports, in subsection (a), by striking out subdivision (2) in its entirety and renumbering subdivision (3) to be subdivision (2)

Second: In Sec. 4, hospital sustainability planning; reports, in subdivision (d)(1), by striking out the word “essential” preceding the word “services”

Third: In Sec. 6, 8 V.S.A. § 4062, by striking out subdivision (b)(3)(B) in its entirety and inserting in lieu thereof the following:

(B) Confidential business information and trade secrets received from an insurer pursuant to subdivision (A) of this subdivision (3) shall be exempt from public inspection and copying under 1 V.S.A. § 317(c)(9) and shall be kept confidential, except that the Board may disclose or release information publicly in summary or aggregate form if doing so would not disclose confidential business information or trade secrets.

Fourth: In Sec. 9, 18 V.S.A. § 9457, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) ~~All information~~ Information required to be filed under this subchapter shall be made available to the public upon request, ~~provided that in accordance with 1 V.S.A. chapter 5, subchapter 3 (Public Records Act), except that information that directly or indirectly identifies individual patients or health care practitioners shall not be directly or indirectly identifiable~~ be kept confidential.

Which was agreed to.

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

### **Bill Passed in Concurrence with Proposal of Amendment**

#### **H. 926.**

House bill entitled:

An act relating to changes to Act 250.

Was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 26, Nays 3.

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Balint, Baruth, Benning, Bray, Champion, Clarkson, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

**Those Senators who voted in the negative were:** Brock, Collamore, Parent.



**The Senator absent and not voting was:** Nitka.

**Proposal of Amendment; Third Reading Ordered**

**H. 674.**

Senator Cummings, for the Committee on Finance, to which was referred House bill entitled:

An act relating to the definition of housesite for use value appraisals.

Reported recommending that the Senate propose 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. 32 V.S.A. § 3755(g) is added to read:

(g) Any applicant for a use value appraisal or any beneficiary of a use value appraisal must be in good standing with the Department of Taxes pursuant to subsection 3113(g) of this title.

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2021.

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 Proposals of Amendment Concurred In**

**S. 220.**

House proposals of amendment to Senate bill entitled:

An act relating to professional regulation.

Were taken up.

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

First: In Sec. 2, 3 V.S.A. § 123 (duties of Office), by striking out subsection (j) in its entirety and inserting in lieu thereof a new subsection (j) to read as follows:

(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for ~~biennial~~ license renewal for the following professions:

(A) licensed nursing assistants, licensed practical nurses, registered nurses, and advanced practice registered nurses licensed under 26 V.S.A. chapter 28;

(B) private investigators, security guards, and other persons licensed under 26 V.S.A. chapter 59;

(C) real estate appraisers and other persons or business entities licensed under 26 V.S.A. chapter 69; and

(D) osteopathic physicians licensed under 26 V.S.A. chapter 33.

~~(2)(A) The Office may inquire directly of the Vermont Crime Information Center, the Federal Bureau of Investigation, the National Crime Information Center, or other holders of official criminal record information, and may arrange for such inquiries to be made by a commercial service.~~

~~(B) Background checks may be fingerprint-supported, and fingerprints so obtained may be retained on file and used to notify the Office of future triggering events. Prior to acting on an initial or renewal application, the Office may obtain with respect to the applicant a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation. Federal Bureau of Investigation background checks shall be fingerprint-supported, and fingerprints so obtained may be retained on file and used to notify the Office of future triggering events. Each applicant shall consent to the release of criminal history records to the Office on forms developed by the Vermont Crime Information Center.~~

(3) Applicants subject to background checks shall be notified that a check is required, if fingerprints will be retained on file, and that criminal convictions are not an absolute bar to licensure, and shall be provided such other information as may be required by federal law or regulation.

Second: In Sec. 12 (clinical pharmacy prescribing; protocol implementation; target dates; rulemaking), in subsection (a) (Commissioner of Health State protocol deadlines), following “On or before” by striking out “January 1, 2021” and inserting in lieu thereof “July 1, 2021”

Third: In Sec. 12 (clinical pharmacy prescribing; protocol implementation; target dates; rulemaking), in subsection (b) (Board of Pharmacy rulemaking deadlines), following “On or before” by striking out “January 1, 2021” and inserting in lieu thereof “July 1, 2021”

Fourth: In Sec. 29, 26 V.S.A. chapter 105 (massage therapists, bodyworkers, and touch professionals), in § 5401 (definitions), in subdivision (4)(A), (“massage” and “bodywork”), in subdivision (ii), following “provided

to clients in a manner in which the clients” by striking out “remove street clothing and”

Fifth: In Sec. 29, 26 V.S.A. chapter 105 (massage therapists, bodyworkers, and touch professionals), in § 5404 (exemptions), in subdivision (a)(3), following “provided to clients in a manner in which the clients” by striking out “do not remove street clothing or”

Sixth: In Sec. 29, 26 V.S.A. chapter 105 (massage therapists, bodyworkers, and touch professionals), in § 5404 (exemptions), in subsection (b), following “nurses,” by inserting “including advanced practice registered nurses,”

Seventh: In Sec. 32 (OPR; massage therapists, bodyworkers, and touch professionals; regulatory review), following “On or before” by striking out “November 1, 2023” and inserting in lieu thereof “April 1, 2024”

Eighth: By striking out in its entirety Sec. 38 (effective dates; application) and inserting in lieu thereof a new Sec. 38 to read as follows:

Sec. 38. EFFECTIVE DATES; APPLICATION

This act shall take effect on October 1, 2020, except that:

(1) this section shall take effect on passage;

(2) Secs. 28 and 29 (massage therapists, bodyworkers, and touch professionals) shall take effect on April 1, 2021, except that the Director of the Office of Professional Regulation may begin rulemaking to administer those sections on passage; and

(3) Secs. 33–37 (State energy goals; education modules) shall take effect on July 1, 2021, except that all existing licensed, certified, or authorized professionals to whom these provisions apply shall be required to obtain the education module for initial licensure as a condition of their upcoming renewal and shall thereafter be required to obtain the education module for renewal at the subsequent renewal cycle.

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

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

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

**S. 354, H. 795, H. 926.**

### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

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**FRIDAY, SEPTEMBER 18, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey. J. Parent
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White

Windsor District

Senator Alison Clarkson  
Senator Richard J. McCormack  
Senator Alice W. Nitka

**Message from the House No. 78**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 880.** An act relating to Abenaki place names on State park signs.

And has severally concurred therein.

**Message from the House No. 79**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 952.** An act relating to approval of amendments to the charter of the City of Burlington.

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

**Bill Referred to Committee on Appropriations**

**H. 833.**

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

An act relating to the interbasin transfer of surface waters.

**Bill Referred**

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

**H. 952.**

An act relating to approval of amendments to the charter of the City of Burlington.

To the Committee on Government Operations.

**Bill Passed in Concurrence with Proposal of Amendment**

**H. 674.**

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

An act relating to the definition of housesite for use value appraisals.

**Proposal of Amendment; Bill Passed in Concurrence with Proposals of Amendment**

**H. 969.**

House bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senators Cummings, Brock, MacDonald and Sirotkin moved to amend the Senate proposal of amendment as follows:

First: By inserting a nSec. B.1105.2, broadband grant deadline, to read as follows:

Sec. B.1105.2 2019 Acts and Resolves No. 79, Sec. 10, subdivision (a)(7), is amended to read:

(7) Studies funded through the Program shall conclude within ~~six~~ 12 months of receipt of the award; distribution utility studies shall conclude within 12 months of receipt of the award.

Second: By inserting Secs. E.111.3–E.111.5, annual link up, to read as follows:

Sec. E.111.3 32 V.S.A. § 5824 is amended to read:

**§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS**

The statutes of the United States relating to the federal income tax, as in effect on December 31, ~~2018~~ 2019, but without regard to federal income tax rates under 26 U.S.C. § 1, are hereby adopted for the purpose of computing the tax liability under this chapter.

Sec. E.111.4 32 V.S.A. § 7402(8) is amended to read:

(8) “Laws of the United States” means the U.S. Internal Revenue Code of 1986, as amended through December 31, ~~2018~~ 2019. As used in this

chapter, “Internal Revenue Code” has the same meaning as “laws of the United States” as defined in this subdivision.

Sec. E.111.5 PETITIONS FOR TY 2016 REFUNDS; COVID-19 PUBLIC HEALTH EMERGENCY

Notwithstanding 32 V.S.A. § 5884(a), after April 15, 2020 and on or before July 15, 2020, the Commissioner of Taxes shall accept a taxpayer’s petition for refund with respect to income tax returns filed for the taxable year 2016. If the Commissioner determines that the taxpayer has paid an amount of income tax under 32 V.S.A. chapter 151 that, as of the date of the determination, exceeds the amount of tax liability owing from the taxpayer to the State, the Commissioner shall forthwith refund the excess amount to the taxpayer together with interest pursuant to 32 V.S.A. § 5884(b).

Third: By striking out Sec. H.100, effective dates, in its entirety and inserting in lieu thereof the following:

Sec. H.100 EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214, Sec. E.215.1 (Vermont National Guard Tuition Benefit Program, COVID-19) shall take effect retroactively on August 17, 2020.

(b) Notwithstanding 1 V.S.A. § 214, Sec. E.111.3 and E.111.4 (annual link to federal statutes) shall take effect retroactively on January 1, 2020 and apply to taxable years beginning on and after January 1, 2019.

(c) Notwithstanding 1 V.S.A. § 214, Secs. E.111.5 (TY 2016 refunds) shall take effect retroactively on April 15, 2020.

(d) All remaining sections shall take effect on passage.

Which was agreed to.

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

First: In Sec. A.102.1 (relationship with 2020 Acts and Resolves No. 120; repeals) in subsection (b), by striking out “on October 1, 2020”.

Second: In Sec. B.1127 (farmers’ markets; relief assistance), by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b) If Coronavirus Relief Funds appropriated to the Agency of Agriculture, Food and Markets under 2020 Acts and Resolves No. 138 remain unexpended or unencumbered after October 1, 2020, the Secretary of Agriculture, Food and Markets may use up to \$140,000.00 of the unexpended or unencumbered

Coronavirus Relief Funds in fiscal year 2021 for the purpose of awarding grants under this section to farmers' markets in the State that have suffered verifiable lost revenues or expenses caused by the COVID-19 public health emergency.

Third: In Sec. B.1101.2 (Coronavirus Relief Fund – One-time list), in subsection (a), by striking out subdivision (5) in its entirety and inserting lieu thereof the following:

(5) To the Department of Disabilities, Aging, and Independent Living: \$2,000,000 for grants to Adult Day service providers to provide financial stability grant funding to the 12 adult day providers statewide to continue to support the facilities, service infrastructure, and necessary operating costs for October 2020 through December 20, 2020 as these programs remained closed due the COVID-19 crisis to prepare to reopen safely for the vulnerable populations they serve and to operate at reduced census upon reopening. Funds shall be distributed on or before October 10, 2020 to each program in accordance with the spreadsheet submitted by the providers to the Department prior to September 30, 2020. Any funds remaining subsequent to September 30, 2020 from prior Coronavirus Relief Funds appropriations for Adult Day service provides shall be carried forward until December 20, 2020 and shall remain available the Adult Day programs for their use prior to December 20, 2020.

Fourth: In Sec. G.109, 2020 Acts and Resolves No. 121, Secs. 11 and 12, in Sec. 11, by striking out “, and \$600,000.00 of this transfer shall be from one-time Transportation Fund monies appropriated and authorized for expenditure pursuant to the fiscal year 2021 budget” and inserting in lieu thereof and shall include the \$600,000.00 one-time transfer from the Transportation Fund pursuant to Sec B.1100.1 of the fiscal year 2021 budget

Fifth: In Sec. G.113, 23 V.S.A. § 3502, in subdivision (a)(2)(B), by inserting the punctuation . at the end of the subdivision.

Sixth: By adding a new section to be Sec. E.307.1 to read as follows:

Sec. E.307.1 8 V.S.A. § 4089i is amended to read:

§ 4089i. PRESCRIPTION DRUG COVERAGE

\* \* \*

(h)(1) A health insurance or other health benefit plan offered by a health insurer or pharmacy benefit manager shall limit a beneficiary's total out-of-pocket responsibility for prescription insulin medications to not more than \$100.00 per 30-day supply, regardless of the amount, type, or number of insulin medications prescribed for the beneficiary.



(2) The \$100.00 monthly limit on out-of-pocket spending for prescription insulin medications set forth in subdivision (1) of this subsection shall apply regardless of whether the beneficiary has satisfied any applicable deductible requirement under the health insurance or health benefit plan.

(i) As used in this section:

\* \* \*

(7) “Prescription insulin medication” means a prescription medication that contains insulin and is used to treat diabetes.

~~(i)~~(j) The Department of Financial Regulation shall enforce this section and may adopt rules as necessary to carry out the purposes of this section.

Seventh: In Sec. H.100, effective dates, by redesignating subsection (b) to be subsection (c) and by inserting a new subsection (b) to read as follows:

(b) Sec. E.307.1 (8 V.S.A. § 4089i) shall take effect on January 1, 2021 and shall apply to health insurance and other health benefit plans on or after January 1, 2021 on such date as a health insurer or pharmacy benefit manager issues, offers, or renews the plan, but in no event later than January 1, 2022.

Eighth: By adding a four new section to be Sec. B.1121.1, B.1121.2, B.1121.3, and B.1121.4 to read as follows:

Sec. B.1121.1 2020 Acts and Resolves No. 136, Sec. 6 is amended to read:

Sec. 6. FRONT-LINE EMPLOYEES HAZARD PAY GRANT PROGRAM

(a)(1) There is established in the Agency of Human Services the Front-Line Employees Hazard Pay Grant Program to administer and award grants to certain ~~public safety, public health, health care, and human services~~ employers whose employees were engaged in activities substantially dedicated to mitigating or responding to the COVID-19 public health emergency during the eligible period or were providing essential services to Vermonters.

(2) The sum of ~~\$28,000,000.00~~ \$50,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Human Services in fiscal year 2021 for the administration and payment of grants pursuant to the Front-Line Employees Hazard Pay Grant Program established in subdivision (1) of this subsection.

(b) As used in this section:

(1) “Agency” means the Agency of Human Services.

(2)(A) “Covered employer” means an entity that employs one or more individuals in Vermont in relation to its operation of one of the following:

- 
- (i) an assisted living residence as defined in 33 V.S.A. § 7102;
  - (ii) a nursing home as defined in 33 V.S.A. § 7102 and any employer that a nursing home has contracted with for the provision of physical, speech, respiratory, or occupational therapy, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its employees for therapy services provided in the nursing home;
  - (iii) a residential care home as defined in 33 V.S.A. § 7102;
  - (iv) a therapeutic community residence as defined in 33 V.S.A. § 7102;
  - (v) a health care facility as defined in 18 V.S.A. § 9432 or a physician's office;
  - (vi) a dentist's office or a dental facility;
  - (vii) a homeless shelter, including a lodging establishment as defined in 18 V.S.A. § 4301, that, during the eligible period, provided temporary housing to homeless individuals pursuant to an agreement with the Department for Children and Families;
  - (viii) a home health agency as defined in 33 V.S.A. § 6302 and any employer that a home health agency has contracted with to provide physical, speech, respiratory, or occupational therapy on its behalf, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its employees for therapy services provided on behalf of the home health agency;
  - (ix) a federally qualified health center, rural health clinic, or clinic for the uninsured;
  - (x) a program licensed by the Department for Children and Families as a residential treatment program;
  - (xi) an ambulance service or first responder service as defined in 24 V.S.A. § 2651;
  - (xii) a morgue; or
  - (xiii) a provider of necessities and services to vulnerable or disadvantaged populations;
  - (xiv) a cleaning or janitorial service that provides cleaning or janitorial services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) in locations that are open to the general public or regularly used by the residents or patients of that covered employer, provided that such an employer shall only be permitted to receive a grant to

provide hazard pay to its eligible employees who provided cleaning or janitorial services to another covered employer during the eligible period;

(xv) a food service provider that prepares and provides meals for residents or patients of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided food services to the residents or patients of a covered employer during the eligible period;

(xvi) a grocery store;

(xvii) a pharmacy;

(xviii) a retailer identified as essential in Sec. 6, paragraphs f and h of Addendum 6 to Executive Order 01-20, provided that, during the eligible period, the retail establishment was open to the general public for in-person sales;

(xix) a wholesale distributor making deliveries to a retailer described in subdivisions (xiv)–(xvi) of this subdivision (b)(2)(A);

(xx) a trash collection or waste management service;

(xxi) a child care facility as defined in 33 V.S.A. § 3511 that provided child care services to essential service providers pursuant to Directive 2 of Executive Order 01-20;

(xxii) a vocational rehabilitation service provider;

(xxiii) a funeral establishment or crematory establishment as defined in 26 V.S.A. § 1211; or

(xxiv) an agency licensed pursuant to 26 V.S.A. § 3172 that provides security services, as defined in 26 V.S.A. § 3151, to another covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided security services to another covered employer during the eligible period.

\* \* \*

(3)(A) “Elevated risk of exposure to COVID-19” means the performance of a job that:

(i) has high potential for exposure to known or suspected sources of COVID-19, including through;

(I) providing in-person services or care to members of the public, patients, residents, or clients; or

(II) cleaning or sanitizing the premises of a covered employer in a location that is used by members of the public, patients, residents, clients, or individuals who are known or suspected to have COVID-19;

(ii)(I) requires frequent physical contact or close contact, or both, with people individuals who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients; or

(II) involves regularly cleaning or sanitizing the premises of a covered employer in a location that is regularly used by individuals who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients; or

(iii) is located in an area or facility with ongoing community transmission of SARS-CoV-2 and requires regular, close contact with members of the public, patients, residents, or clients.

(B) As used in this subdivision (b)(3), “close contact” means interactions with another individual that require the employee to be within six feet of that individual.

(4)(A) “Eligible employee” means an individual who:

(i) is was employed during the eligible period by a covered employer that has applied for a grant through the Program;

(ii) ~~performs~~ performed a job that had an elevated risk of exposure to COVID-19 during the eligible period;

(iii) was unable to perform his or her job remotely or to telework, including by providing health care or other services by telephone, videoconference, or telehealth;

(iv) except in the case of employees of home health agencies and nursing homes, earns earned an hourly base wage of \$25.00 or less during the eligible period;

(v) worked at least 68 hours for a covered employer during the eligible period; and

(vi) is not eligible to receive monetary benefits for the performance of his or her job under any program authorized or implemented by the federal government.

\* \* \*

(C) “Eligible employee” does not include:

(i) ~~an independent contractor or self-employed individual; or~~

(ii) an individual who has received unemployment insurance benefits for any week during the eligible period.

\* \* \*

(c)(1) A covered employer may apply to the Secretary for a lump sum grant to provide hazard pay to eligible employees in the following amounts for the eligible period:

\* \* \*

(2)(A) The number of hours worked by an eligible employee during the eligible period shall include any hours of employer-provided accrued paid leave or leave provided pursuant to the Emergency Family and Medical Leave Expansion Act or the Emergency Paid Sick Leave Act that were used by the eligible employee because he or she contracted COVID-19 or was quarantined because of exposure to COVID-19.

(B) The number of hours worked by an eligible employee during the eligible period shall not include:

(i) any hours of employer-provided accrued paid leave or leave provided pursuant to the Emergency Family and Medical Leave Expansion Act or the Emergency Paid Sick Leave Act that were used by the eligible employee to care for another individual; and

(ii) any hours of remote or telework performed by the eligible employee, including the provision of healthcare or other services by telephone, videoconference, or telehealth; and

(iii) any hours of work performed as an independent contractor or a sole proprietor.

(3)(A) An eligible employee may elect not to receive hazard pay funded by a grant provided pursuant to the Program by providing notice to his or her employer pursuant to procedures adopted by the employer.

(B) For an individual who is eligible to receive a hazard pay grant directly from the Program pursuant to subsection (i) of this section, the eligible employee may elect not to receive the hazard pay grant by providing notice pursuant to procedures adopted by the Secretary.

\* \* \*

(7) A covered employer may identify potentially eligible employees who are no longer employed by the employer by providing the former employee's name, mailing address, and any other information required by the Secretary. The Program shall provide the individuals identified with notice of

their potential eligibility and information regarding how to apply for a grant pursuant to the provisions of subdivision (j)(1) of section.

\* \* \*

~~(i)(1) The definition of “covered employer” set forth in subdivision (b)(2) of this section shall be deemed to include to the types of employers listed in subdivision (b)(2) of this subsection to the extent permitted by federal law and any applicable guidance if either of the following occurs:~~

~~(A) the permissible uses of monies in the Coronavirus Relief Fund pursuant to Sec. 5001 of the CARES Act, Pub. L. No. 116-136, as amended, and any related guidance are expanded to permit the payment of hazard pay to employees of some or all of the types of employers listed in subdivision (2) of this subsection (i); or~~

~~(B) a federal program that grants money directly to the State, which may be used to provide hazard pay to employees of some or all of the types of employers listed in subdivision (2) of this subsection (i), is enacted.~~

~~(2) The following types of employers may be deemed to be included within the definition of “covered employer” set forth in subdivision (b)(2) of this section if the requirements of subdivision (1) of this subsection are met:~~

~~(A) a grocery store;~~

~~(B) a pharmacy;~~

~~(C) a retailer identified as essential in Sec. 6, paragraphs f and h of addendum 6 to Executive Order 01-20, provided that, during the eligible period, the majority of the retail establishment was open to the general public for in-person sales rather than curbside pickup or delivery;~~

~~(D) a wholesale distributor making deliveries to a retailer described in subdivisions (A)–(C) of this subdivision (i)(2);~~

~~(E) a trash collection or waste management service;~~

~~(F) a janitorial service that provides cleaning or janitorial services to another covered employer;~~

~~(G) a child care facility as defined in 33 V.S.A. § 3511 that is providing child care services to essential service providers pursuant to Directive 2 of Executive Order 01-20;~~

~~(H) a vocational rehabilitation service provider; or~~

~~(I) a funeral establishment or crematory establishment as defined in 26 V.S.A. § 1211.~~

(A) The Program shall provide each potentially eligible employee who has been identified as no longer employed by a covered employer with notice that he or she may be eligible to obtain a grant through the Program and information regarding how to apply for a grant. The notice and information shall be sent to the address provided by the individual's former employer.

(B) The notice sent to each potentially eligible employee pursuant to this subdivision (1) shall inform the individual that he or she may elect to decline the grant and provide him or her with information regarding how to do so.

(2)(A) Eligible employees who apply for a grant pursuant to this subsection (i) shall receive a grant directly from the Program in the appropriate amount set forth in subdivision (c)(1) of this section.

(B) Each eligible employee who receives a grant payment pursuant to this subsection (i) shall, together with his or her grant payment, be provided with written notice that the grant may be subject to income tax.

(j) Any personally identifiable information that is collected by the Program, any entity of State government performing a function of the Program, or any entity that the Secretary contracts with to perform a function of the Program shall be kept confidential and shall be exempt from inspection and copying under the Public Records Act.

#### Sec. B.1121.2 HAZARD PAY; IDENTIFICATION OF FORMER EMPLOYEES

For each covered employer, as defined in Sec. B.1121.1 of this act, that submitted an application to the Front-Line Employees Hazard Pay Grant Program on or before the effective date of this act, the Secretary shall send notice to the covered employer that it may identify potentially eligible employees who were no longer employed by the employer at the time it submitted its initial application and provide information regarding how to identify such potentially eligible employees to the Program. The Program shall provide the individuals identified with notice of their potential eligibility and information regarding how to apply for a grant pursuant to the provisions of subdivision (i)(1) of Sec. B.1121.1 of this act.

#### Sec. B.1121.3. DELEGATION OF ADMINISTRATIVE RESPONSIBILITIES

Notwithstanding any provision of 2020 Acts and Resolves No. 136, Sec. 6 to the contrary, the Secretary of Human Services may, with the approval of the Secretary of Administration, delegate administration of specific aspects of the Front-Line Employees Hazard Pay Grant Program to other agencies and departments of the State.

Sec. B.1121.4 2020 Acts and Resolves No. 136, Sec. 14 is amended to read:

Sec. 14. CHILD CARE PROVIDERS, SUMMER CAMPS,  
AFTERSCHOOL PROGRAMS; PARENT CHILD CENTERS;  
CHILDREN'S INTEGRATED SERVICES

(a)(1) The sum of \$12,000,000.00 is appropriated from the Coronavirus Relief Fund to the Department for Children and Families in fiscal year 2021 for the purposes of providing:

(A) additional restart grants to summer camps, afterschool programs, and child care providers;

(B) a prospective workforce stabilization program for staff employed at child care programs regulated by the Department for Children and Families for risks associated with elevated exposure to COVID-19;

(C) the cost incurred by Parent Child Centers in responding to the COVID-19 public health emergency, including the increased demand for services by impacted families; and

~~(C)~~(D) funds to address the immediate needs related to providing Children's Integrated Services, including information technology training and the provision of equipment necessary for telehealth services.

(2) The Department shall determine the allocation of funding for this subsection and develop an application process to distribute funds to providers.

(b) Once the Department has determined how the appropriation set forth in this section shall be distributed, but not later than August 18, 2020, it shall report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare regarding how the funds are to be distributed across programs.

Which was agreed to.

Thereupon, pending third reading of the bill, Senators Balint, Lyons and Ingram moved to amend the Senate proposal of amendment by striking out Sec. E.314.2 in its entirety and inserting a new Sec. E.314.2 to read as follows:

Sec. E.314.2 MENTAL HEALTH CRISIS SERVICES; DATA COLLECTION

(a) The Director of Racial Equity, in collaboration with the Mental Health Crisis Response Commission and the Departments of Mental Health and of Public Safety, shall explore strategies for collecting data related to persons accessing emergency services related to a mental health crisis. The Director shall solicit recommendations from persons with lived experience of a mental health condition or psychiatric disability and members of other impacted communities, including those communities experiencing inequities or



marginalization, such as racial discrimination, that expose them to additional risks from unnecessary law enforcement or mental health system interventions.

(b)(1) The Director, in collaboration with the Mental Health Crisis Response Commission and the Departments of Mental Health and of Public Safety and in consultation with persons with lived experience and members of other impacted communities, shall examine how to collect the following types of data in a manner that comports with the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d-5 and 1320d-6, and ensures best clinical practice:

(A) the number of 911 calls received by category that are related to an individual's medical condition, mental or emotional condition, developmental or intellectual disability, or substance use, or any combination thereof;

(B) the race of the individuals that are the subject of a 911 call;

(C) the number and race of individuals referred to the Department of Mental Health or arrested for a misdemeanor or felony, or both, or where no subsequent action was taken;

(D) the number of referrals received by the Department of Mental Health from State law enforcement agencies;

(E) the race of individuals referred to the Department of Mental Health by State law enforcement agencies;

(F) the number of individuals referred to the Department of Mental Health by State law enforcement agencies who are already a client of a designated or specialized service agency; and

(G) the disposition of a referral to the Department of Mental Health, by race, including whether the individual was referred for mental health or substance misuse services, regardless of whether action was taken by the Department or the individual was referred to another State agency.

(2) The Director shall also examine and make recommendations regarding how to store data securely and make aggregated data available to the public.

(c) On or before September 1, 2021, the Director shall report the recommendations developed pursuant to this section to the House Committee on Health Care and to the Senate Committee on Health and Welfare, including the extent to which the information collected may inform the data available through the dashboard established pursuant to Sec. B.1121(d)(4)(A) of this act.

Which was agreed to.

Thereupon, pending third reading of the bill, Senators Clarkson, Brock, Hooker, Sirotkin and Westman moved to amend the Senate proposal of amendment by inserting a reader assistance heading and Secs. E.237.1 and E.237.2 to read as follows:

\* \* \* Renewal of Alcoholic Beverage Licenses \* \* \*

Sec. E.237.1. 7 V.S.A. § 205 is amended to read:

§ 205. TERMS OF PERMITS, LICENSES, AND CERTIFICATES

(a) All permits, licenses, and certificates shall expire ~~midnight, April 30, of each~~ one year after the date of issuance.

\* \* \*

Sec. E.237.2. TRANSITIONAL PROVISION; STAGGERED LICENSE RENEWAL

The Department of Liquor and Lottery may extend the expiration date and stagger the issuance or renewal of permits, licenses, and certificates that are set to expire in the years 2020 and 2021. Permits, licenses, and certificates that are renewed on April 30, 2020 shall remain valid for one year or until a later renewal date designated by the Department.

Which was agreed to.

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

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

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

**H. 674, H. 969.**

### **Message from the House No. 80**

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

Mr. President:

I am directed to inform the Senate that:

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

**S. 352.** An act relating to making certain amendments to the Front-Line Employees Hazard Pay Grant Program.

**S. 353.** An act relating to expanding the Front-Line Employees Hazard Pay Grant Program.

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. 663.** An act relating to expanding access to contraceptives.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

#### **Message from the House No. 81**

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

Mr. President:

I am directed to inform the Senate that:

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

**S. 54.** An act relating to the regulation of cannabis.

And has adopted the same on its part.

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

**H. 962.** An act relating to the duration of temporary relief from abuse orders.

And has severally concurred therein.

The House has considered the Governor's veto on House bill of the following title:

**H. 688.** An act relating to addressing climate change.

And has passed the same, the refusal of the Governor to approve notwithstanding.

#### **Message from the House No. 82**

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

Mr. President:

I am directed to inform the Senate that:

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

**H.C.R. 325.** House concurrent resolution congratulating the 2019 Brattleboro Union High School Colonels Division II championship football team.

**H.C.R. 326.** House concurrent resolution commemorating the 50th anniversary of Green Up Day and honoring Melinda Vieux for her superb organizational leadership.

**H.C.R. 327.** House concurrent resolution honoring former Georgia Conservation Commission Chair Kent Henderson for his outstanding municipal public service.

**H.C.R. 328.** House concurrent resolution honoring former Montpelier Police Chief Anthony John Facos for 33 years of dedicated municipal public service.

**H.C.R. 329.** House concurrent resolution celebrating the centennial of universal women's suffrage and General Assembly membership.

**H.C.R. 330.** House concurrent resolution congratulating Marjorie Adeline (Brown) LaValley on her 100th birthday.

**H.C.R. 331.** House concurrent resolution congratulating Jennifer H. Wood as the 2020 Vermont winner of the Presidential Award for Excellence in Mathematics and Science Teaching.

**H.C.R. 332.** House concurrent resolution honoring Brattleboro Justice of the Peace Elliott C. Greenblott for his civic and community leadership.

**H.C.R. 333.** House concurrent resolution congratulating the Town of Essex on being certified as one of Vermont's first two Quality Youth Development Communities.

**H.C.R. 335.** House concurrent resolution honoring François Clemmons on his exemplary musical and theatrical career.

**H.C.R. 336.** House concurrent resolution in memory of James Bernard Reardon of Essex.

**H.C.R. 337.** House concurrent resolution designating October 6, 2020 as Vermont Mask Day.

**H.C.R. 338.** House concurrent resolution honoring Vermont State employees who have performed their duties in a professional and exemplary manner during the COVID-19 pandemic.

**H.C.R. 339.** House concurrent resolution congratulating the Central Vermont Pioneers on winning the 2019 Empire State Sled Hockey Championship.

**H.C.R. 340.** House concurrent resolution congratulating the Colchester All-Stars on winning the 2020 Vermont State Little League Baseball championship.

**H.C.R. 341.** House concurrent resolution congratulating the 2019 Poultney High School Blue Devils Division III championship football team.

**H.C.R. 342.** House concurrent resolution honoring Curtis Tuff of Putney and his Curtis' All American BARBQ.

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

### **House Concurrent Resolutions**

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

By Reps. Burke and others,

#### **H.C.R. 325.**

House concurrent resolution congratulating the 2019 Brattleboro Union High School Colonels Division II championship football team.

By Rep. Ancel,

#### **H.C.R. 326.**

House concurrent resolution commemorating the 50th anniversary of Green Up Day and honoring Melinda Vieux for her superb organizational leadership.

By Rep. Rosenquist,

#### **H.C.R. 327.**

House concurrent resolution honoring former Georgia Conservation Commission Chair Kent Henderson for his outstanding municipal public service.

By Reps. Kitzmiller and Hooper,

#### **H.C.R. 328.**

House concurrent resolution honoring former Montpelier Police Chief Anthony John Facos for 33 years of dedicated municipal public service.

By All Members of the House,

**H.C.R. 329.**

House concurrent resolution celebrating the centennial of universal women's suffrage and General Assembly membership.

By Rep. Quimby,

**H.C.R. 330.**

House concurrent resolution congratulating Marjorie Adeline (Brown) LaValley on her 100th birthday.

By Reps. Quimby and others,

By Senators Benning and Kitchel,

**H.C.R. 331.**

House concurrent resolution congratulating Jennifer H. Wood as the 2020 Vermont winner of the Presidential Award for Excellence in Mathematics and Science Teaching.

By Reps. Burke and others,

By Senators Balint and White,

**H.C.R. 332.**

House concurrent resolution honoring Brattleboro Justice of the Peace Elliott C. Greenblott for his civic and community leadership.

By Reps. Giambatista and others,

**H.C.R. 333.**

House concurrent resolution congratulating the Town of Essex on being certified as one of Vermont's first two Quality Youth Development Communities.

By Reps. Scheu and others,

**H.C.R. 335.**

House concurrent resolution honoring François Clemmons on his exemplary musical and theatrical career.

By All Members of the House,

By All Members of the Senate,

**H.C.R. 336.**

House concurrent resolution in memory of James Bernard Reardon of Essex.