

Journal of the Senate of the STATE OF VERMONT ADJOURNED SESSION, 2020

TUESDAY, JANUARY 7, 2020

Pursuant to the provisions of the 2019 final adjournment joint resolution of the two Houses (J.R.H. 6), the Senate convened at the State House at Montpelier, on Tuesday, the seventh day of January, two thousand twenty.

At ten o'clock in the forenoon, Eastern Standard Time, the Senate was called to order by the President, Lieutenant Governor David E. Zuckerman.

Devotional Exercises

Devotional exercises were conducted by the Reverend Dr. Joseph Bruchac and Jesse Bruchac of Greenfield Center, New York.

Pledge of Allegiance

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

Appointment

The President announced the appointment of

DEBORAH WOLF

of North Middlesex, as his Chief of Staff.

Joint Senate Resolutions Adopted on the Part of the Senate

Joint Senate resolutions of the following titles were severally offered, read and adopted on the part of the Senate, and are as follows:

By Senator Ashe,

J.R.S. 29. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 9, 2020, at two o'clock in the afternoon to receive the State-of-the-State message from the Governor.

By Senator Kitchel,

J.R.S. 30. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Tuesday, January 21, 2020, at two o'clock in the afternoon to receive the budget message of the Governor.

By Senator Ashe,

J.R.S. 31. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 28, 2020, or Saturday, February 29, 2020, it be to meet again no later than Tuesday, March 10, 2020.

By Senator Ashe,

J.R.S. 32. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

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

**Message from the Governor
Appointments Referred**

A message was received from the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

The nomination of

Fallar, Gail of Tinmouth - Member of the Current Use Advisory Board - from July 1, 2019, to February 28, 2022.

To the Committee on Natural Resources and Energy.

The nomination of

Marvin, Emma of Hyde Park - Member of the Vermont Economic Progress Council - from July 1, 2019, to March 31, 2023.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Sullivan, Megan of Jericho - Executive Director of the Vermont Economic Progress Council, - from July 1, 2019, to March 31, 2023.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Shippee, Rhonda of Morgan - Member of the Vermont Economic Development Authority, - from July 1, 2019, to June 30, 2024.

To the Committee on Finance.

The nomination of

Gagner, Andrea of St. Albans - Member of the Vermont Economic Development Authority - from August 12, 2019, to June 30, 2025.

To the Committee on Finance.

The nomination of

Hanford, Joshua C. of Randolph - Commissioner of the Department of Housing and Community Development - from August 13, 2019, to February 28, 2021.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Nyquist, Bruce of Orange - Member of the Travel Information Council - from August 15, 2019, to August 28, 2021.

To the Committee on Transportation.

The nomination of

Tandoh, Margaret of South Burlington - Member of the Board of Medical Practice - from August 15, 2019 to December 31, 2023.

To the Committee on Health and Welfare.

The nomination of

Brochu, Sabina of Williston - Member of the State Board of Education - from August 21, 2019 to June 30, 2021.

To the Committee on Education.

The nomination of

Bernstein, Richard of Jericho - Member of the Board of Medical Practice - from September 1, 2019 to December 31, 2023.

To the Committee on Health and Welfare.

The nomination of

Kurrle, Lindsay H. of Middlesex - Secretary of the Agency of Commerce and Community Development - from September 3, 2019 to February 28, 2021.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Schirling, Michael of Burlington - Commissioner of the Department of Public Safety - from September 3, 2019, to February 28, 2023.

To the Committee on Transportation.

The nomination of

Warren, Lisa Anne of Waterford - Superior Judge - from October 25, 2019 to March 31, 2024.

To the Committee on Judiciary.

The nomination of

Smith, Michael K. of Westford - Secretary of the Agency of Human Services - from October 28, 2019 to February 28, 2021.

To the Committee on Health and Welfare.

The nomination of

McDonald-Cady, Kerry Ann of East Dover - Superior Judge - from October 30, 2019 to March 31, 2022.

To the Committee on Judiciary.

The nomination of

Park, Richard of Williston - Member of the State Labor Relations Board - from September 1, 2019 to June 30, 2025.

To the Committee on Economic Development, Housing and General Affairs.

The nomination of

Cohen, William D. of North Clarendon - Associate Justice of the Supreme Court - from December 19, 2019 to March 31, 2023.

To the Committee on Judiciary.

The nomination of

Lavoie, Kathy La Belle of Swanton - Member of the State Board of Education - from November 18, 2019 to February 28, 2021.

To the Committee on Education.

Bills Referred

Pursuant to Temporary Rule 44A the following bills having failed to meet cross-over and being referred to the Committee on Rules were referred to their respective committees of jurisdictions:

H. 143. An act relating to appointing town agents.

To the Committee on Government Operations.

H. 207. An act relating to approval of an amendment to the charter of the City of Montpelier regarding non-citizen voting in City elections.

To the Committee on Government Operations.

H. 342. An act relating to qualification for a public defender.

To the Committee on Judiciary.

H. 550. An act relating to unclaimed property.

To the Committee on Government Operations.

Bills Introduced

On motion of Senator Ashe, the rules were suspended so that all Senate bills being introduced and read for the first time today be read by number only.

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

S. 179.

By Senators Hooker, Campion, Collamore, Ingram, Lyons, McCormack and Sears,

An act relating to the calculation of income for purposes of the homestead property tax income sensitivity adjustment and renter rebate.

To the Committee on Finance.

S. 180.

By Senator Ashe,

An act relating to prohibiting the use and application of the pesticide chlorpyrifos.

To the Committee on Agriculture.

S. 181.

By Senators Sears, Lyons and Ingram,

An act relating to access to employee restrooms for individuals living with an inflammatory bowel disease.

To the Committee on Health and Welfare.

S. 182.

By Senator White,

An act relating to a plan to elevate the Department of Public Safety to the Agency of Public Safety.

To the Committee on Government Operations.

S. 183.

By Senators Sears, Lyons and Clarkson,

An act relating to competency to stand trial and insanity as a defense.

To the Committee on Judiciary.

S. 184.

By Senators Lyons and Sears,

An act relating to supportive youth programming.

To the Committee on Health and Welfare.

S. 185.

By Senators Lyons and McCormack,

An act relating to the adoption of a climate change response plan.

To the Committee on Health and Welfare.

S. 186.

By Senator White,

An act relating to bonded officials.

To the Committee on Government Operations.

S. 187.

By Senators Ashe and Lyons,

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

To the Committee on Economic Development, Housing and General Affairs.

S. 188.

By Senator Rodgers,

An act relating to the effect of unlawful killing on probate inheritance procedures.

To the Committee on Judiciary.

S. 189.

By Senators Ingram, Hooker, Lyons and Perchlik,

An act relating to survivor benefits for public employees.

To the Committee on Government Operations.

S. 190.

By Senators Kitchel, Benning and Starr,

An act relating to the Standard Offer Program.

To the Committee on Finance.

S. 191.

By Senator Cummings,

An act relating to tax increment financing districts.

To the Committee on Finance.

S. 192.

By Senators McCormack, Champion, Clarkson and Lyons,

An act relating to prohibiting the use of the herbicide glyphosate.

To the Committee on Agriculture.

S. 193.

By Senator Ashe,

An act relating to penalties for violations of E-911 outage reporting rules.

To the Committee on Finance.

S. 194.

By Senator Rodgers,

An act relating to standards for the sale of hemp seeds.

To the Committee on Agriculture.

S. 195.

By Senator Cummings,

An act relating to taxation of smokable hemp products.

To the Committee on Economic Development, Housing and General Affairs.

S. 196.

By Senators Ingram and Hooker,

An act relating to obtaining a relief from abuse order based upon psychological abuse.

To the Committee on Judiciary.

S. 197.

By Senator Ingram,

An act relating to prohibiting discrimination based on genetic information.

To the Committee on Economic Development, Housing and General Affairs.

S. 198.

By Senator Pollina,

An act relating to an enforceable State Code of Ethics.

To the Committee on Government Operations.

S. 199.

By Senators Benning, Bray, Lyons and MacDonald,

An act relating to authorizing the natural organic reduction of human remains.

To the Committee on Health and Welfare.

S. 200.

By Senator Starr,

An act relating to the definition of housesite for use value appraisals.

To the Committee on Finance.

S. 201.

By Senator Rodgers,

An act relating to greenhouse gas emissions.

To the Committee on Natural Resources and Energy.

S. 202.

By Senators Lyons, Sirotkin and Ashe,

An act relating to limiting the co-payment amount for chiropractic services in certain health insurance plans.

To the Committee on Finance.

S. 203.

By Senators Benning, Collamore, Rodgers, Starr and White,

An act relating to motorcycle helmets.

To the Committee on Transportation.

S. 204.

By Senator Kitchel,

An act relating to proof of certificate of snowmobile education.

To the Committee on Transportation.

S. 205.

By Senator Sears,

An act relating to criminal and civil surcharges.

To the Committee on Judiciary.

S. 206.

By Senator Starr,

An act relating to the sale of non-meat items labeled as meat.

To the Committee on Agriculture.

S. 207.

By Senator Starr,

An act relating to the sale or distribution of milk and dairy products.

To the Committee on Agriculture.

S. 208.

By Senator Starr,

An act relating to the standards for the intrastate sale of milk.

To the Committee on Agriculture.

S. 209.

By Senator Starr,

An act relating to the bonding requirements for milk handlers.

To the Committee on Agriculture.

S. 210.

By Senators Rodgers and Pearson,

An act relating to possession with intent to sell or dispense regulated drugs.

To the Committee on Judiciary.

S. 211.

By Senator Sears,

An act relating to Department of Corrections authority and responsibility for furloughees and for housing young offenders.

To the Committee on Judiciary.

S. 212.

By Senator Rodgers,

An act relating to prohibiting the possession of cell phones by persons under 21 years of age.

To the Committee on Judiciary.

S. 213.

By Senators Sears and Sirotkin,

An act relating to sports wagering.

To the Committee on Economic Development, Housing and General Affairs.

S. 214.

By Senator Rodgers,

An act relating to regulation of the cultivation and sale of cannabis.

To the Committee on Agriculture.

S. 215.

By Senator Rodgers,

An act relating to the use of State fishing access areas.

To the Committee on Natural Resources and Energy.

S. 216.

By Senators Pollina and Perchlik,

An act relating to allowing large municipal employers to provide Exchange and reflective health benefit plans to their employees.

To the Committee on Finance.

S. 217.

By Senator Sears,

An act relating to human trafficking and prostitution.

To the Committee on Judiciary.

S. 218.

By Senator Lyons,

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

To the Committee on Health and Welfare.

S. 219.

By Senator Baruth,

An act relating to requiring law enforcement to comply with race data reporting requirements in order to receive State grant funding.

To the Committee on Appropriations.

S. 220.

By Senators White, Ashe, Bray, Clarkson, Pearson, Perchlik and Pollina,

An act relating to educating specified professionals on the State's energy goals.

To the Committee on Government Operations.

S. 221.

By Senator Rodgers,

An act relating to transferring regulation of aquatic nuisance control to the Department of Fish and Wildlife.

To the Committee on Natural Resources and Energy.

S. 222.

By Senators Lyons and MacDonald,

An act relating to establishing quarantine procedures for unimmunized dogs.

To the Committee on Health and Welfare.

S. 223.

By Senators Ingram, Pearson, Starr and Westman,

An act relating to universal school breakfast and lunch for all public school students.

To the Committee on Education.

S. 224.

By Senators Ingram and Hooker,

An act relating to evidence-based structured literacy instruction for students in kindergarten–grade 3 and students with dyslexia and to teacher preparation programs.

To the Committee on Education.

S. 225.

By Senators Lyons and McCormack,

An act relating to regional planning commission involvement in identifying health care-related needs.

To the Committee on Natural Resources and Energy.

S. 226.

By Senator Perchlik,

An act relating to statewide public school employee health benefits.

To the Committee on Education.

S. 227.

By Senator Bray,

An act relating to the provision of personal care products by lodging establishments.

To the Committee on Natural Resources and Energy.

S. 228.

By Senator White,

An act relating to the authorized professional use of regulated drugs.

To the Committee on Health and Welfare.

S. 229.

By Senators Brock, Sirotkin and Ashe,

An act relating to controlling interests tax under the property transfer tax.

To the Committee on Finance.

S. 230.

By Senators Brock and Parent,

An act relating to a statewide policy on law enforcement confiscation of personal property.

To the Committee on Judiciary.

S. 231.

By Senator Clarkson,

An act relating to expanding apprenticeship opportunities.

To the Committee on Economic Development, Housing and General Affairs.

S. 232.

By Senator Sears,

An act relating to implementing the expansion of juvenile jurisdiction.

To the Committee on Judiciary.

S. 233.

By Senators Collamore, White and Clarkson,

An act relating to uniform licensing standards.

To the Committee on Government Operations.

S. 234.

By Senator Sears,

An act relating to miscellaneous judiciary procedures.

To the Committee on Judiciary.

S. 235.

By Senators Hooker, Westman, Balint, Brock, Clarkson, Sears and Sirotkin,

An act relating to low-alcohol spirits beverages.

To the Committee on Economic Development, Housing and General Affairs.

S. 236.

By Senators Brock and Parent,

An act relating to holding school districts accountable for deficiencies in their graduates in the subject areas of reading, writing, and mathematics.

To the Committee on Education.

S. 237.

By Senators Sirotkin, Clarkson, Balint and Hooker,

An act relating to promoting affordable housing.

To the Committee on Economic Development, Housing and General Affairs.

S. 238.

By Senator Clarkson,

An act relating to the use of green signal lamps on wreckers.

To the Committee on Transportation.

S. 239.

By Senator Clarkson,

An act relating to requirements for older drivers to renew operator's licenses.

To the Committee on Transportation.

S. 240.

By Senator Sirotkin,

An act relating to recruiting new remote workers and new relocating workers.

To the Committee on Economic Development, Housing and General Affairs.

S. 241.

By Senator Perchlik,

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

To the Committee on Transportation.

S. 242.

By Senators Sirotkin, Lyons and White,

An act relating to funding to support a dental therapy laboratory at Vermont Technical College.

To the Committee on Education.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 7 was introduced, read the first time and referred:

By Senator Sears,

PROPOSAL 7

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to allow a court to hold a person accused of a violent misdemeanor or violent felony without bail when the evidence of guilt is great, the court finds that the person's release poses a substantial threat of physical violence to any person, and that no conditions of release will reasonably prevent the violence.

Sec. 2. Section 40 of Chapter II of the Vermont Constitution is amended to read:

§ 40. [EXCESSIVE BAIL PROHIBITED; PRISONERS BAILABLE; IMPRISONMENT FOR DEBT PROHIBITED]

Excessive bail shall not be exacted for bailable criminal offenses. All persons shall be bailable by sufficient sureties, except as follows:

(1) A person accused of ~~an~~ a criminal offense punishable by death or life imprisonment may be held without bail when the evidence of guilt is great.

(2) A person accused of a ~~felony~~ criminal offense, an element of which involves an act of violence against another person, may be held without bail when the evidence of guilt is great and the court finds, based upon clear and convincing evidence, that the person's release poses a substantial threat of physical violence to any person and that no condition or combination of conditions of release will reasonably prevent the physical violence. A person held without bail prior to trial under this paragraph shall be entitled to review de novo by a single justice of the Supreme Court forthwith.

(3) A person awaiting sentence, or sentenced pending appeal, may be held without bail for any criminal offense.

A person held without bail prior to trial shall be entitled to review of that determination by a panel of three Supreme Court Justices within seven days after bail is denied.

Except in the case of ~~an~~ a criminal offense punishable by death or life imprisonment, if a person is held without bail prior to trial, the trial of the person shall be commenced not more than 60 days after bail is denied. If the trial is not commenced within 60 days and the delay is not attributable to the defense, the court shall immediately schedule a bail hearing and shall set bail for the person.

No person shall be imprisoned for debt.

Sec. 2. EFFECTIVE DATE

The amendment set forth in Sec. 1 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

To the Committee on Judiciary.

Adjournment

On motion of Senator Ashe, the Senate adjourned until four o'clock in the afternoon on Wednesday, January 8, 2020.

WEDNESDAY, JANUARY 8, 2020

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Thomas Harty of Bethel.

Message from the House No. 1

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its First Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

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

J.R.S. 29. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

J.R.S. 30. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

J.R.S. 31. Joint resolution relating to Town Meeting adjournment.

J.R.S. 32. Joint resolution relating to weekend adjournment.

**Message from the Governor
Appointments Referred**

A message was received from the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

The nomination of

Bolio, Craig of Winooski - Commissioner of the Department of Taxes - from December 18, 2019 to February 28, 2021.

To the Committee on Finance.

The nomination of

Pelham, Heather of Randolph Center - Commissioner of the Department of Tourism and Marketing - from November 21, 2019 to February 28, 2021.

To the Committee on Economic Development, Housing and General Affairs.

Bills Introduced

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

S. 243.

By Senators Sears and Champion,

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

To the Committee on Health and Welfare.

S. 244.

By Senator Perchlik,

An act relating to the creation of the Vermont State Building Security Board.

To the Committee on Government Operations.

S. 245.

By Senators Pearson, Ingram and Lyons,

An act relating to eliminating cost-sharing requirements for primary care.

To the Committee on Finance.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock and fifty-five minutes in the afternoon on Thursday, January 9, 2020.

THURSDAY, JANUARY 9, 2020

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Joint Assembly

At two o'clock in the afternoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 29. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at three o'clock and five minutes in the afternoon, the President assumed the Chair.

Message from the House No. 2

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 House bill entitled:

H. 107. An act relating to paid family and medical leave.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. Stevens of Waterbury
Rep. Scheu of Middlebury
Rep. Gonzalez of Winooski

Bills Introduced

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

S. 246.

By Senators Pearson, Ingram, Lyons, Pollina and Westman,

An act relating to Green Mountain Care Board authority over prescription drug costs.

To the Committee on Health and Welfare.

S. 247.

By Senators Pearson, Ashe, Lyons and Sirotkin,

An act relating to hospital use of savings from 340B drug pricing.

To the Committee on Health and Welfare.

S. 248.

By Senators Pearson, Balint, Baruth and Hardy,

An act relating to requiring gender balance on the University of Vermont's Board of Trustees.

To the Committee on Education.

S. 249.

By Senators Pearson, Clarkson, Lyons and Sirotkin,

An act relating to Davis-Bacon wage survey requirements for State construction projects.

To the Committee on Institutions.

S. 250.

By Senators Pearson, Ashe, Baruth, Hooker, Lyons and Sirotkin,

An act relating to applying Vermont prevailing wages to school construction projects.

To the Committee on Education.

S. 251.

By Senator Lyons,

An act relating to durable medical equipment cost transparency.

To the Committee on Health and Welfare.

S. 252.

By Senator Lyons,

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

To the Committee on Health and Welfare.

S. 253.

By Senator Lyons,

An act relating to the definition and performance of surgery.

To the Committee on Health and Welfare.

S. 254.

By Senator Sirotkin,

An act relating to union organizing.

To the Committee on Economic Development, Housing and General Affairs.

S. 255.

By Senator Cummings,

An act relating to captive insurance.

To the Committee on Finance.

S. 256.

By Senators Sirotkin, Brock and Clarkson,

An act relating to creating the New Vermont Employee Incentive Program.

To the Committee on Economic Development, Housing and General Affairs.

Adjournment

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

FRIDAY, JANUARY 10, 2020

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

Message from the House No. 3

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its First Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered Senate proposal of amendment to House proposal of amendment to Senate bill entitled:

S. 23. An act relating to increasing the minimum wage.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses.

The Speaker appointed as members of such Committee on the part of the House:

Rep. Stevens of Waterbury
Rep. Killacky of South Burlington
Rep. Hooper of Montpelier

Message from the House No. 4

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 adopted House concurrent resolutions of the following titles:

H.C.R. 191. House concurrent resolution designating January 2020 as School Board Recognition Month in Vermont.

H.C.R. 192. House concurrent resolution congratulating former Manchester Selectboard member and U.S. Army Lieutenant William B. Finn on his 90th birthday.

H.C.R. 193. House concurrent resolution congratulating St Johnsbury Academy Hilltopper Mate Koszo on winning the 2019 boys' individual State tennis championship.

H.C.R. 194. House concurrent resolution congratulating the 2019 West Rutland High School Golden Horde Division IV championship softball team.

H.C.R. 195. House concurrent resolution congratulating Harry Chandler on his 100th birthday.

H.C.R. 196. House concurrent resolution honoring Camille George of Richmond for her laudable career of service to older Vermonters and persons with disabilities.

H.C.R. 197. House concurrent resolution designating January 15, 2020 as Homelessness Awareness Day at the State House.

H.C.R. 198. House concurrent resolution congratulating the 2019 Twin Valley High School Wildcats Division IV championship boys' soccer team.

H.C.R. 199. House concurrent resolution in memory of Emily Mason of Brattleboro.

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

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

S.C.R. 14. Senate concurrent resolution honoring Glenn Gershaneck for his exemplary roles in journalism and public service.

S.C.R. 15. Senate concurrent resolution honoring Joel Theodore Cope for his exemplary leadership of the Northeast Kingdom Waste Management District.

S.C.R. 16. Senate concurrent resolution congratulating the Community College of Vermont on its 50th anniversary.

And has adopted the same in concurrence.

Bills Introduced

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

S. 257.

By Senators Sirotkin and Clarkson,

An act relating to improving rental housing health and safety.

To the Committee on Economic Development, Housing and General Affairs.

S. 258.

By Senator Baruth,

An act relating to a 48-hour waiting period for firearms transfers.

To the Committee on Judiciary.

S. 259.

By Senators Baruth, Ashe, Balint, Bray, Clarkson, Hardy, Hooker, Ingram, Lyons, McCormack, Pearson, Perchlik, Pollina and Sirotkin,

An act relating to semiautomatic assault weapons.

To the Committee on Judiciary.

S. 260.

By Senators Lyons, Baruth, Bray, Cummings, Ingram, Pearson, Perchlik, Pollina and Sirotkin,

An act relating to the Vermont Broadband Internet Access Service Privacy Act.

To the Committee on Economic Development, Housing and General Affairs.

S. 261.

By Senators Sears, Baruth and White,

An act relating to eliminating life without parole.

To the Committee on Judiciary.

S. 262.

By Senators Ingram, Baruth, Hardy and Perchlik,

An act relating to law enforcement race data collection.

To the Committee on Judiciary.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 8 was introduced, read the first time and referred:

By: Senators Ingram, Hardy and Lyons,

PROPOSAL 8

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont in order to use gender-neutral terminology to refer to voters in the subject title that precedes Vt. Const. Ch. II, § 42.

Sec. 2. The subject title preceding Section 42 of Chapter II of the Vermont Constitution [voter's qualifications and oath] is amended to read:

VOTER QUALIFICATIONS OF FREEMEN AND FREEWOMEN

Sec. 3. EFFECTIVE DATE

The amendment set forth in this proposal shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

To the Committee on Government Operations.

Committee Relieved of Further Consideration; Bill Committed

S. 202.

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

An act relating to limiting the co-payment amount for chiropractic services in certain health insurance plans,

and the bill was committed to the Committee on Health and Welfare.

Committees of Conference Appointed

S. 23.

An act relating to increasing the minimum wage.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Sirotkin
 Senator Clarkson
 Senator Balint

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

H. 107.

An act relating to paid family and medical leave.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Sirotkin
Senator Clarkson
Senator Balint

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Senate 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 adopted on the part of the Senate:

By Senator Cummings,

S.C.R. 14.

Senate concurrent resolution honoring Glenn Gershaneck for his exemplary roles in journalism and public service.

By Senators Rodgers and Starr,

S.C.R. 15.

Senate concurrent resolution honoring Joel Theodore Cope for his exemplary leadership of the Northeast Kingdom Waste Management District..

By Senator Lyons,

By Rep. Dickinson,

S.C.R. 16.

Senate concurrent resolution congratulating the Community College of Vermont on its 50th anniversary.

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 adopted in concurrence:

By Reps. Christie and others,

H.C.R. 191.

House concurrent resolution designating January 2020 as School Board Recognition Month in Vermont.

By Rep. Sullivan,

H.C.R. 192.

House concurrent resolution congratulating former Manchester Selectboard member and U.S. Army Lieutenant William B. Finn on his 90th birthday.

By Reps. Beck and others,

By Senators Kitchel and Benning,

H.C.R. 193.

House concurrent resolution congratulating St Johnsbury Academy Hilltopper Mate Koszo on winning the 2019 boys' individual State tennis championship.

By Reps. Potter and Burditt,

By Senators Collamore, Hooker and McNeil,

H.C.R. 194.

House concurrent resolution congratulating the 2019 West Rutland High School Golden Horde Division IV championship softball team.

By Reps. Sullivan and others,

By Senators Campion and Sears,

H.C.R. 195.

House concurrent resolution congratulating Harry Chandler on his 100th birthday.

By Rep. Gardner,

H.C.R. 196.

House concurrent resolution honoring Camille George of Richmond for her laudable career of service to older Vermonters and persons with disabilities.

By Reps. Stevens and Pugh,

H.C.R. 197.

House concurrent resolution designating January 15, 2020 as Homelessness Awareness Day at the State House.

By Reps. Sibilila and Gannon,

By Senators Balint, Campion, Sears and White,

H.C.R. 198.

House concurrent resolution congratulating the 2019 Twin Valley High School Wildcats Division IV championship boys' soccer team.

By Reps. Burke and others,

By Senators Balint and White,

H.C.R. 199.

House concurrent resolution in memory of Emily Mason of Brattleboro.

Adjournment

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, January 14, 2020, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 32.

TUESDAY, JANUARY 14, 2020

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Jeff Fuller of Waterbury Center.

Pledge of Allegiance

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

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 33.

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. 33. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 17, 2020, it be to meet again no later than Tuesday, January 21, 2020.

Bills Introduced

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

S. 263.

By Senators Westman, Cummings, Ingram, Lyons and McCormack,
An act relating to the Parent Child Center Network.
To the Committee on Health and Welfare.

S. 264.

By Senators Pearson, Ingram and Pollina,
An act relating to paid vacation leave.
To the Committee on Economic Development, Housing and General
Affairs.

S. 265.

By Senators Pollina, Rodgers, Benning, Collamore and Pearson,
An act relating to the use of food residuals for farming.
To the Committee on Agriculture.

S. 266.

By Senator Pollina,
An act relating to prohibiting the use of neonicotinoid-treated article seed.
To the Committee on Agriculture.

S. 267.

By Senators Pearson, Perchlik, Ashe, Balint, Bray, Campion, MacDonald
and Sirotkin,
An act relating to the Renewable Energy Standard.
To the Committee on Natural Resources and Energy.

S. 268.

By Senators Clarkson, Hardy, Balint, Baruth, Hooker, McCormack and
Pollina,
An act relating to crimes and criminal procedures related to firearms.
To the Committee on Judiciary.

S. 269.

By Senators Lyons, Baruth, McCormack, Pearson and Pollina,
An act relating to immunity from liability for agritourism activities.
To the Committee on Judiciary.

S. 270.

By Senators Hardy, Balint, Baruth, Bray, Campion, Clarkson, Ingram,
Lyons, McCormack and Perchlik,
An act relating to the professional regulation of massage therapy.
To the Committee on Government Operations.

S. 271.

By Senators Hardy, Balint, Baruth, Bray, Hooker, Ingram, McCormack and
Perchlik,
An act relating to the creation of a Community College of Vermont tuition-
free scholarship program for Vermont residents.
To the Committee on Education.

S. 272.

By Senators Lyons, Campion, McCormack, Pearson and Pollina,
An act relating to the use and management of pesticides.
To the Committee on Agriculture.

S. 273.

By Senators Hardy, Pearson, Balint, Bray, Campion, Clarkson, Hooker,
McCormack, Perchlik, Pollina, Sirotkin and Starr,
An act relating to creating incentives for schools and establishing a goal for
correctional facilities to purchase locally produced foods.
To the Committee on Agriculture.

S. 274.

By Senators Hardy, Clarkson, Hooker, Ingram, Pearson, Perchlik and
Pollina,
An act relating to the school start time for high school students.
To the Committee on Education.

S. 275.

By Senators Hardy, Balint, Bray, Clarkson, Hooker, Ingram, McCormack, Pearson, Perchlik and Pollina,

An act relating to training for judges assigned to the Family Division of Superior Court.

To the Committee on Judiciary.

S. 276.

By Senators Pearson, Balint, Campion, Cummings, Hardy, Ingram and Lyons,

An act relating to exempting feminine hygiene products from Vermont's sales and use tax.

To the Committee on Finance.

S. 277.

By Senators Perchlik and Bray,

An act relating to heating fuel and the Department of Public Service.

To the Committee on Finance.

S. 278.

By Senators Perchlik, Bray, Hardy and Pollina,

An act relating to the State Energy Management Program.

To the Committee on Institutions.

S. 279.

By Senators Perchlik, Parent and Pollina,

An act relating to the sales tax and vehicle charging stations.

To the Committee on Finance.

S. 280.

By Senators Hardy, Balint, Bray, Campion, Clarkson, Hooker, McCormack, Pearson, Perchlik, Pollina and Starr,

An act relating to forest carbon sequestration programs.

To the Committee on Natural Resources and Energy.

S. 281.

By Senators Hardy, Balint, Baruth, Bray, Campion, Clarkson, Hooker, Ingram, McCormack, Perchlik, Pollina and Sirotkin,

An act relating to the Working Group on the Status of Libraries in Vermont.

To the Committee on Education.

S. 282.

By Senators Perchlik, Bray, Hardy and Pollina,

An act relating to State-owned heating systems.

To the Committee on Institutions.

S. 283.

By Senators Clarkson, McCormack and Nitka,

An act relating to the Town of Hartford's tax increment financing district.

To the Committee on Finance.

S. 284.

By Senators Benning, Brock, Collamore, McNeil and Parent,

An act relating to suicide prevention initiatives.

To the Committee on Health and Welfare.

S. 285.

By Senators Hardy, Balint, Baruth, Bray, Campion, Clarkson, Hooker, Ingram, Lyons, McCormack, Parent, Perchlik and Pollina,

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

To the Committee on Institutions.

S. 286.

By Senator Westman,

An act relating to the membership of the Vermont State Employees' Retirement System.

To the Committee on Government Operations.

S. 287.

By Senator Pollina,

An act relating to the contractual rights of members of the Vermont State Employees' Retirement System.

To the Committee on Government Operations.

S. 288.

By Senators Lyons, Sirotkin, Campion, Hooker, Ingram, Clarkson and Hardy,

An act relating to banning flavored tobacco products and e-liquids.

To the Committee on Economic Development, Housing and General Affairs.

S. 289.

By Senators Benning, Brock, Collamore, McNeil, Parent and Westman,

An act relating to allowing probation and parole officers to carry firearms while on duty.

To the Committee on Institutions.

S. 290.

By Senators Lyons, Cummings, Kitchel and Westman,

An act relating to health care reform implementation.

To the Committee on Health and Welfare.

S. 291.

By Senators Perchlik and Ingram,

An act relating to lowering the blood alcohol content limit.

To the Committee on Judiciary.

S. 292.

By Senators Collamore and Hooker,

An act relating to the use of colored signal lamps on law enforcement, fire department, emergency medical service, and funeral procession vehicles.

To the Committee on Transportation.

S. 293.

By Senators Collamore, Benning, Brock, McNeil and Parent,

An act relating to an exemption from attorney renewal fees.

To the Committee on Finance.

S. 294.

By Senators Sears, Baruth, Benning and White,

An act relating to expanding access to expungement and sealing of criminal history records.

To the Committee on Judiciary.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 15, 2020.

WEDNESDAY, JANUARY 15, 2020

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Joan Javier-Duval of Montpelier.

Bill Referred to Committee on Appropriations

S. 240.

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

An act relating to recruiting new remote workers and new relocating workers.

Message from the Governor Appointments Referred

A message was received from the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

The nomination of

VanBuren, Martin R. of Poultney - Member of the Fish and Wildlife Board - from January 1, 2020 to February 28, 2023.

To the Committee on Natural Resources and Energy.

The nomination of

Philibert, Dawn of Williston - Member of the State Board of Health - from January 1, 2020 to February 28, 2021.

To the Committee on Health and Welfare.

The nomination of

Mazza, MacKenzie of Colchester - Member of the Children and Family Council for Prevention Programs - from January 1, 2020 to February 28, 2022.

To the Committee on Health and Welfare.

The nomination of

Dorfmann, Dorinne of Waterbury Center - Member of the Children and Family Council for Prevention Programs - from January 1, 2020 to February 28, 2021.

To the Committee on Health and Welfare.

The nomination of

Morehouse, Holly of Burlington - Member of the Children and Family Council for Prevention Programs - from January 1, 2020 to February 28, 2022.

To the Committee on Health and Welfare.

Bills Introduced

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

S. 295.

By Senators Lyons, Bray and Champion,

An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products.

To the Committee on Health and Welfare.

S. 296.

By Senators Hooker, Balint, Clarkson, Hardy, Ingram, McCormack, Nitka and Sears,

An act relating to limiting out-of-pocket expenses for prescription insulin drugs.

To the Committee on Finance.

S. 297.

By Senators Kitchel, White, Cummings, Lyons, Sears and Westman,

An act relating to the Agency of Health Care Administration.

To the Committee on Health and Welfare.

S. 298.

By Senators Hooker, Balint, Clarkson, Hardy, Ingram, McCormack and Nitka,

An act relating to creation of the Cemetery Vandalism Fund.

To the Committee on Economic Development, Housing and General Affairs.

S. 299.

By Senators Hooker and Clarkson,

An act relating to exemptions from minimum wage and overtime requirements.

To the Committee on Economic Development, Housing and General Affairs.

Committee Relieved of Further Consideration; Bill Committed**S. 288.**

On motion of Senator Sirotkin, the Committee on Economic Development, Housing and General Affairs was relieved of further consideration of Senate bill entitled:

An act relating to banning flavored tobacco products and e-liquids,
and the bill was committed to the Committee on Health and Welfare.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, January 16, 2020.

THURSDAY, JANUARY 16, 2020

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Deborah McKinley of East Craftsbury.

**Appointment of Senate Members to the Joint Carbon Emissions
Reduction Committee**

Pursuant to the provisions of 2 V.S.A. § 601, the President announced the appointment of the following Senators to serve on the Joint Carbon Emissions Reduction Committee for a term of two years:

Senator Ashe
Senator Bray
Senator Lyons
Senator Pearson
Senator Westman

Appointment of Senate Member to New England Board of Higher Education

Pursuant to the provisions of 16 V.S.A. § 2731, the President announced the appointment of the following Senator to serve on the New England Board of Higher Education for a term of six years:

Senator Perchlik

Bills Introduced

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

S. 300.

By Senators Brock, Collamore, Cummings and McNeil,

An act relating to planning for the care and treatment of patients with cognitive impairments.

To the Committee on Health and Welfare.

S. 301.

By Senators Brock, Benning, Collamore, Cummings and McNeil,

An act relating to repealing the sunset on 30 V.S.A. § 248a.

To the Committee on Finance.

S. 302.

By Senators Collamore, Hooker and McNeil,

An act relating to establishing a mental health mobile response unit pilot program in the city of Rutland.

To the Committee on Health and Welfare.

S. 303.

By Senators Sirotkin and Sears,

An act relating to automobile minimum liability coverage.

To the Committee on Judiciary.

S. 304.

By Senators Brock, Benning, Collamore, Cummings, McNeil, Pearson and Westman,

An act relating to an Interbranch Cybersecurity Task Force.

To the Committee on Government Operations.

S. 305.

By Senators Brock, Benning, Collamore, McNeil and Westman,

An act relating to making State-formed nonprofits subject to the Public Records Act.

To the Committee on Government Operations.

S. 306.

By Senator Hooker,

An act relating to raising an income tax surcharge in order to reduce State retirement liabilities.

To the Committee on Finance.

S. 307.

By Senators Hooker and Pollina,

An act relating to binding interest arbitration for employees of the Vermont Judiciary and the Vermont State Colleges.

To the Committee on Government Operations.

S. 308.

By Senators Brock, Clarkson and Collamore,

An act relating to tax increment financing districts.

To the Committee on Economic Development, Housing and General Affairs.

S. 309.

By Senators Lyons, Ingram, McCormack, Pearson and Westman,

An act relating to limitations on health care contract provisions and surprise medical bills.

To the Committee on Finance.

Message from the House No. 5

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. 33. 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.

FRIDAY, JANUARY 17, 2020

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Julian Asucan of Montpelier.

Message from the House No. 6

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 adopted House concurrent resolutions of the following titles:

H.C.R. 200. House concurrent resolution congratulating the Hazelett Corporation in Colchester on its centennial.

H.C.R. 202. House concurrent resolution in memory of Lindy S. Lynch.

H.C.R. 203. House concurrent resolution designating January 22, 2020 as Mentoring Day at the State House.

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

Committee Relieved of Further Consideration; Bills Committed**S. 242.**

On motion of Senator Baruth, the Committee on Education was relieved of further consideration of Senate bill entitled:

An act relating to funding to support a dental therapy laboratory at Vermont Technical College,

and the bill was committed to the Committee on Economic Development, Housing and General Affairs.

S. 250.

On motion of Senator Baruth, the Committee on Education was relieved of further consideration of Senate bill entitled:

An act relating to applying Vermont prevailing wages to school construction projects,

and the bill was committed to the Committee on Economic Development, Housing and General Affairs.

Bills Introduced

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

S. 310.

By Senators Clarkson and Starr,

An act relating to use value appraisals.

To the Committee on Finance.

S. 311.

By Senators Pollina, Balint, Baruth, Bray, Champion, Clarkson, Hardy, Hooker, Ingram, Lyons, McCormack, Pearson, Perchlik and White,

An act relating to creating a Vermont Green New Deal Fund.

To the Committee on Natural Resources and Energy.

S. 312.

By Senators Collamore, Benning, Brock, Hooker, McNeil, Parent, Rodgers, Starr and Westman,

An act relating to stormwater permitting.

To the Committee on Natural Resources and Energy.

S. 313.

By Senator Westman,

An act relating to the definition of “cider”.

To the Committee on Economic Development, Housing and General Affairs.

S. 314.

By Senator Lyons,

An act relating to consent by minors to preventative services for sexually transmitted diseases.

To the Committee on Health and Welfare.

S. 315.

By Senator Champion,

An act relating to administration and enforcement of agricultural water quality violations.

To the Committee on Agriculture.

S. 316.

By Senators Balint, Hooker and Ingram,

An act relating to special immigration juvenile status.

To the Committee on Judiciary.

S. 317.

By Senators Balint, Hooker and Ingram,

An act relating to conducting a Statewide Housing Study.

To the Committee on Economic Development, Housing and General Affairs.

Report of Committee of Conference Accepted and Adopted on the Part of the Senate**H. 107.**

Senator Sirotkin, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill entitled:

An act relating to paid family and medical leave.

Respectfully reports that it has met and considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

It is the intent of the General Assembly that:

(1) the Family and Medical Leave Insurance Program established by this act shall provide employees with affordable Family and Medical Leave Insurance benefits;

(2) the Commissioner of Financial Regulation shall seek a private insurance carrier to provide the benefits required under the Program;

(3) if the Commissioner is able to identify an insurance carrier that can provide the required benefits in a more cost-effective manner than would be possible if benefits were provided by the State, the Commissioner shall enter into a contract with that insurance carrier to administer the Program and provide the benefits required by this act; and

(4) if the Commissioner is unable to identify a suitable insurance carrier, the Program shall be administered by the Department of Labor in coordination with the Departments of Financial Regulation and of Taxes.

Sec. 2. 21 V.S.A. chapter 5, subchapter 13 is added to read:

Subchapter 13. Family and Medical Leave Insurance

§ 571. DEFINITIONS

As used in this subchapter:

(1) “Average weekly wage” means the employee’s total wages from his or her two highest-earning quarters in the last four completed calendar quarters divided by 26.

(2) “Bonding leave” means a leave of absence from employment by an employee for:

(A) the employee’s pregnancy;

(B) the birth of the employee’s child; or

(C) the initial placement of a child 18 years of age or younger with the employee for the purpose of adoption or foster care.

(3) “Domestic partner” has the same meaning as in 17 V.S.A. § 2414.

(4) “Employee” means an individual who receives payments with respect to services performed for an employer from which the employer is required to withhold Vermont income tax pursuant to 32 V.S.A. chapter 151, subchapter 4.

(5) “Employer” means an individual, organization, governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within this State.

(6) “Family care leave” means a leave of absence from employment by an employee for a serious illness of the employee’s family member.

(7) “Family member” means:

(A) the employee’s child or foster child;

(B) a step child or ward who lives with the employee;

(C) the employee’s spouse, domestic partner, or civil union partner;

(D) the employee’s parent or the parent of the employee’s spouse, domestic partner, or civil union partner;

(E) the employee’s sibling;

(F) the employee’s grandparent;

(G) the employee’s grandchild; or

(H) a child for whom the employee stands in loco parentis or an individual who stood in loco parentis for the employee when he or she was a child.

(8) “In loco parentis” means a child for whom the employee has day-to-day responsibilities to care for and financially support, or, in the case of the employee, an individual who had such responsibility for the employee when he or she was a child.

(9) “Medical leave” means a leave of absence from employment by an employee for his or her own serious illness.

(10) “Qualified employee” means an employee who has:

(A) earned wages from which contributions were withheld pursuant to sections 573 and 574 of this subchapter during at least two of the last four completed calendar quarters; and

(B) earned wages from which contributions were withheld pursuant to sections 573 and 574 of this subchapter during the last four completed calendar quarters in an amount that is equal to or greater than 675 hours at the minimum wage established pursuant to section 384 of this chapter.

(11) “Serious illness” means an accident, disease, or physical or mental condition that:

(A) poses imminent danger of death;

(B) requires inpatient care in a hospital; or

(C) requires continuing in-home care under the direction of a physician.

(12) “Vermont average weekly wage” means the most recent average weekly wage for Vermont as calculated by the U.S. Bureau of Labor Statistics.

(13) “Wages” means payments that are included in the definition of wages set forth in 26 U.S.C. § 3401.

§ 572. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM;
ADMINISTRATION

(a) The Family and Medical Leave Insurance Program is established in the Department of Labor for the provision of Family and Medical Leave Insurance benefits to eligible employees pursuant to this section.

(b)(1) The Commissioner of Financial Regulation shall endeavor to identify and contract with a suitable insurance carrier to provide paid family and medical leave insurance in accordance with this subchapter.

(2)(A) Within 45 calendar days after the effective date of this section, but in no event later than July 1, 2020, the Commissioner of Financial Regulation, in consultation with the Commissioners of Human Resources, of Labor, and of Taxes, shall develop and issue a request for information related to the provision of family and medical leave insurance by a private insurance carrier on behalf of the State that satisfies the requirements of this subchapter. The request for information shall also seek input regarding the cost and administrative feasibility of the insurance carrier administering the collection of contributions on behalf of the Department of Taxes pursuant to section 574 of this subchapter.

(B) Responses to the request for information shall be due 45 calendar days after the request for information is issued.

(3)(A) The Commissioner of Financial Regulation, in consultation with the Commissioners of Human Resources, of Labor, and of Taxes, shall develop a request for proposals for an insurance carrier to provide family and medical leave insurance that satisfies the requirements of this subchapter. The request for proposals shall be issued 15 calendar days after the date on which responses to the request for information are due.

(B) An insurance carrier shall not be selected unless it can demonstrate that it would be able to provide the required insurance benefits and comply with the provisions of this subchapter in a more cost-effective manner than if the Family and Medical Leave Insurance Program were administered by the State.

(4) Not more than 75 calendar days after the request for proposals is issued, the Commissioner of Financial Regulation, in consultation with the Commissioners of Human Resources, of Labor, and of Taxes, shall evaluate the proposals received in response to the request for proposals and shall select the proposal that the Commissioner determines:

(A) best satisfies the requirements of this subchapter;

(B) will provide the required insurance benefits and comply with the provisions of this subchapter in a more cost-effective manner than if the Family and Medical Leave Insurance Program were administered by the State; and

(C) delivers the greatest value to the State and Vermont's employees and employers.

(5) An agreement with an insurance carrier to provide family and medical leave insurance pursuant to this section shall include provisions that:

(A) permit the Commissioner of Financial Regulation to terminate the agreement for noncompliance with this chapter; and

(B) in the event the General Assembly enacts legislation providing for mandatory coverage for medical leave, require the Commissioner of Financial Regulation and the insurance carrier to reopen the agreement to make any amendments that are necessary to ensure that the agreement complies with the requirements of the legislation.

(6)(A) An agreement with an insurance carrier pursuant to this subsection shall be for a period of not more than four years.

(B) Not later than six months prior to the expiration of the agreement pursuant to this subsection, the Commissioner of Financial Regulation shall determine whether to renew the agreement for an additional period of not more than four years or to issue a new request for proposals for an insurance carrier to provide family and medical leave insurance that satisfies the requirements of this subchapter.

(7)(A) The insurance carrier shall have its books and financial records related to the provision of family and medical leave insurance pursuant to this subchapter audited annually. The audit shall also include detailed information regarding the number of claims submitted broken down by the type of leave,

the average duration of benefits provided for each type of leave, the number of claims that were denied, the number of claim denials that were overturned on appeal, and any changes in those amounts in comparison to the prior year.

(B) The insurance carrier shall provide a copy of the annual audit to the Commissioner of Financial Regulation, who shall review the audit and, not later than 30 calendar days after receiving the audit, submit a detailed summary to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and to the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance.

(c)(1) In the event that the Commissioner of Financial Regulation is unable to secure a suitable insurance carrier pursuant to subsection (b) of this section, the Paid Family and Medical Leave Insurance Program shall be administered by the Department of Labor pursuant to the provisions of this subchapter.

(2) In the event that the Paid Family and Medical leave Insurance Program is administered by the Department of Labor, the Commissioner of Labor may contract with one or more third-party administrators for actuarial support, Program and fund administration, the processing of benefits claims and payments, and the initial determination of appeals.

§ 572a. NOTICE

(a) An employer shall post and maintain in a conspicuous place in and about each of its places of business printed notices of the provisions of this subchapter on forms provided by the Commissioner of Labor.

(b) An employer shall provide written notice of the provisions of this subchapter to new employees within 30 calendar days after the date on which they are hired.

§ 573. CONTRIBUTIONS

(a) An employer that does not elect to meet its obligations under this subchapter as provided pursuant to section 577 shall remit the contributions required by subsection (b) of this section to the Commissioner of Taxes on a quarterly basis as provided pursuant to 32 V.S.A. § 5842(a)(1).

(b)(1)(A) Contributions for bonding and family care insurance shall be equal to 0.20 percent of each employee's covered wages.

(B) Contributions for medical leave benefits for employees who have elected to obtain coverage pursuant to section 577a of this subchapter shall be equal to 0.38 percent of the employee's covered wages.

(2) An employer shall have the option of paying some or all of the contributions due from an employee's covered wages or may deduct and withhold the full amount of the contribution due from the employee's covered wages.

(c) As used in this section, the term "covered wages" shall include all wages paid to an employee up to the amount of the maximum Social Security Taxable Wage.

(d)(1) The General Assembly shall annually review and, if necessary, adjust the rates of contribution established pursuant to subsection (b) of this section for the next fiscal year. The rates shall equal the amount necessary to provide Family and Medical Leave Insurance benefits pursuant to this subchapter, to administer the Family and Medical Leave Insurance Program during the next fiscal year, and, if a reserve is necessary, to ensure that it is adequately funded.

(2) On or before February 1 of each year, the Commissioner of Financial Regulation, in consultation with the insurance carrier that the State has contracted with, if any, and the Commissioners of Labor and of Taxes, shall report to the General Assembly the rates of contribution necessary to provide Family and Medical Leave Insurance benefits pursuant to this subchapter, to administer the Program during the next fiscal year, and, if a reserve is necessary, to ensure that it is adequately funded.

§ 574. COLLECTION OF CONTRIBUTIONS; REMITTANCE

(a) The Commissioner of Taxes shall collect all contributions required pursuant to section 573 of this subchapter and deposit them into the Family and Medical Leave Insurance Special Fund.

(b)(1) The Commissioner of Taxes shall require the withholding of the contributions required pursuant to section 573 of this subchapter from wages paid by any employer, as if the contributions were an additional Vermont income tax subject to the withholding requirements of 32 V.S.A. § 5841(a). The administrative and enforcement provisions of 32 V.S.A. chapter 151, subchapter 4 shall apply to the withholding requirement under this section as if the contributions withheld were a Vermont income tax.

(2) An employer that has received approval from the Commissioner of Financial Regulation for an alternative insurance or benefit plan pursuant to the provisions of section 577 shall not be required to withhold contributions pursuant to this section.

(c)(1) The Commissioner of Taxes may enter into a memorandum of understanding with the private insurance carrier contracted with by the Commissioner of Financial Regulation pursuant to section 572 of this

subchapter, the Commissioner of Financial Regulation, or the Commissioner of Labor as necessary to carry out the provisions of this section.

(2) The Commissioner of Taxes may contract with the private insurance carrier contracted with by the Commissioner of Financial Regulation pursuant to section 572 of this subchapter to administer the collection of contributions pursuant to this section.

§ 575. BENEFITS

(a)(1) A qualified employee shall be permitted to receive a total of not more than 12 weeks of Family and Medical Leave Insurance benefits in a calendar year, which may include:

(A) up to 12 weeks of benefits for bonding leave taken by the employee;

(B) up to eight weeks of benefits for family care leave taken by the employee; and

(C) for an employee who has elected to obtain medical leave coverage pursuant to the provisions of section 577a of this subchapter, up to six weeks of benefits for medical leave taken by the employee.

(2) Notwithstanding subdivision (1)(B) of this subsection, with respect to a serious illness of an individual who is a sibling or grandparent of one or more qualified employees, the qualified employees who are a sibling or grandchild of that individual shall be permitted to receive a combined total of not more than six weeks of Parental and Family Leave Insurance benefits in a calendar year for family care leave related to that individual.

(b)(1) The weekly benefit amount for a qualified employee awarded Family and Medical Leave Insurance benefits under this section shall be determined as follows:

(A) the portion of the qualified employee's average weekly wage that is less than or equal to 55 percent of the Vermont average weekly wage shall be replaced at a rate of 90 percent; and

(B) the portion of the qualified employee's average weekly wage that is greater than 55 percent of the Vermont average weekly wage shall be replaced at a rate of 55 percent.

(2) Notwithstanding subdivision (1) of this subsection, no qualified employee may receive Parental and Family Leave Insurance benefits that exceed the Vermont average weekly wage.

(c)(1)(A) Each qualified employee shall complete a waiting period before he or she may receive benefits for a medical leave or family care leave.

(B) The waiting period shall consist of the first five calendar days in a calendar year for which the qualified employee would otherwise be eligible to receive benefits for a medical leave or family care leave.

(C) Family and Medical Leave Insurance benefits shall not be payable for any day in the waiting period.

(2) A qualified employee shall only have one waiting period in a calendar year.

(3) No waiting period shall be required before a qualified employee is eligible to receive Family and Medical Leave Insurance benefits in relation to a bonding leave.

(d) A qualified employee may receive Family and Medical Leave Insurance benefits for an intermittent leave or leave for a portion of a week. The benefit amount for an intermittent leave or leave for a portion of a week shall be calculated in increments of one full day or one fifth of the qualified employee's weekly benefit amount.

(e) Family and Medical Leave Insurance benefits paid pursuant to this subchapter may be used as wage replacement for a leave taken pursuant to section 472 of this title or the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654. The receipt of benefits paid pursuant to this subchapter shall not extend the leave provided pursuant to section 472 of this title or the federal Family and Medical Leave Act.

(f)(1) A qualified employee shall not be permitted to receive Family and Medical Leave Insurance benefits for any day for which he or she is receiving:

(A) wages;

(B) payment for the use of vacation leave, sick leave, or other accrued paid leave;

(C) payment pursuant to a disability insurance plan;

(D) unemployment insurance benefits pursuant to chapter 17 of this title or the law of any other state; or

(E) compensation for temporary partial disability or temporary total disability pursuant to chapter 9 of this title, the workers' compensation law of any state, or any similar law of the United States.

(2) Notwithstanding subdivision (1) of this subsection, an employer may provide its employees with additional income to supplement the amount of the benefits provided pursuant to this section provided that the sum of the additional income and the benefits provided pursuant to this section does not exceed the employee's average weekly wage.

§ 576. APPLICATION FOR BENEFITS; PAYMENT; TAX
WITHHOLDING

(a) A qualified employee, or his or her agent, shall file an application for Family and Medical Leave Insurance benefits under this subchapter on a form approved by the Commissioner of Labor. The determination of whether the qualified employee is eligible to receive Family and Medical Leave Insurance benefits shall be based on the following criteria:

(1) The claim is for a bonding leave, a family care leave, or, if applicable, a medical leave and the need for the leave is adequately documented.

(2) The claimant satisfies the requirements to be a qualified employee as defined pursuant to subdivision 571(10) of this subchapter.

(3) The claimant has specified the anticipated start date and duration of the leave.

(b)(1) A determination shall be made in relation to each claim within not more than five business days after the date the claim is filed. The time to make a determination on a claim may be extended by not more than 15 business days if necessary to obtain documents or information that are needed to make the determination.

(2) An application for Family and Medical Leave Insurance benefits may be filed:

(A) up to 60 calendar days before an anticipated leave; or

(B) in the event of a premature birth or an unanticipated serious illness, within 60 calendar days after the leave begins.

(3)(A) Benefits shall be paid to a qualified employee for the time period beginning on the day his or her leave began less any waiting period required pursuant to subsection 575(c) of this subchapter.

(B) The first benefit payment shall be sent to the qualified employee within 14 calendar days after the leave begins or the claim is approved, whichever is later, and subsequent payments shall be sent biweekly.

(4) The provisions of section 1367 of this title shall apply to Family and Medical Leave Insurance benefits.

(c)(1) An individual filing a claim for Family and Medical Leave Insurance benefits shall, at the time of filing, be advised that Family and Medical Leave Insurance benefits may be subject to income tax and that the individual's benefits may be subject to withholding.

(2) All procedures specified by 26 U.S.C. chapter 24 and 32 V.S.A. chapter 151, subchapter 4 pertaining to the withholding of income tax shall be followed in relation to the payment of Family and Medical Leave Insurance benefits.

(d) As used in this section, “agent” means an individual who holds a valid power of attorney for the employee or other legal authorization to act on the employee’s behalf that is acceptable to the Commissioner of Labor.

§ 577. EMPLOYER OPTION; ALTERNATIVE INSURANCE OR BENEFITS

(a) As an alternative to and in lieu of participating in the Family and Medical Leave Insurance Program, an employer may, upon approval by the Commissioner of Financial Regulation, comply with the requirements of this subchapter through the use of an alternative insurance plan or benefit plan that provides to all of its employees benefits for bonding and family care leave that are equivalent to or more generous than the benefits provided pursuant to this subchapter. An employer may elect to provide such benefits by:

(1) establishing and maintaining to the satisfaction of the Commissioner of Financial Regulation self-insurance necessary to provide equivalent or more generous benefits;

(2) purchasing insurance coverage for the payment of equivalent or more generous benefits from any insurance carrier authorized to provide family and medical leave insurance in this State;

(3) establishing an employee benefits plan that provides equivalent or more generous benefits; or

(4) any combination of subdivisions (1) through (3) of this subsection.

(b)(1) The Commissioner of Financial Regulation may approve an alternative insurance or benefit plan under this section upon making a determination that it provides benefits that are equivalent to or more generous than the benefits provided pursuant to this subchapter.

(2)(A) Nothing in this section shall be construed to required that the benefits provided by an alternative insurance or benefit plan be identical to the benefits provided pursuant to this subchapter.

(B)(i) The Commissioner shall determine whether the benefits provided by a proposed alternative insurance or benefit plan are equivalent to or more generous than the benefits provided pursuant to this subchapter by weighing the relative value of the alternative plan’s length of leave, wage replacement, and cost to employees against the provisions of this subchapter.

(ii) In making the determination pursuant to this subdivision (b)(2)(B), the Commissioner shall also consider the relative value of any medical leave that is provided to employees as set forth in subdivision (b)(2)(C)(i) of this section.

(C) The Commissioner shall not approve an alternative insurance or benefit plan under this section unless the plan either:

(i) provides employees with coverage for medical leave for a period of at least six weeks at the same level of wage replacement as the plan provides for family care leave; or

(ii) offers employees the option to obtain, at a reasonable cost, coverage for medical leave for a period of at least six weeks at the same level of wage replacement as the plan provides for family care leave.

(c)(1) Except as otherwise provided pursuant to subdivision (4) of this subsection, an alternative insurance or benefit plan shall only be permitted to become effective on January 1 following its approval and shall remain in effect until it is discontinued pursuant to subdivision (3) of this subsection.

(2)(A) An employer shall submit an application to the Commissioner of Financial Regulation for approval of a new or modified alternative insurance or benefit plan on or before October 15 of the calendar year prior to when it shall take effect.

(B) The Commissioner shall make a determination and notify the employer of whether its application has been approved on or before December 1. If the application is approved, the Commissioner shall also provide a copy of the notice to the Commissioners of Labor and of Taxes on or before December 1.

(3) An employer may discontinue its alternative insurance or benefit plan on January 1 of any year by filing notice of its intent to discontinue the plan with the Commissioners of Financial Regulation, of Labor, and of Taxes on or before November 1 of the prior year.

(4)(A) Notwithstanding any provisions of subdivisions (1) and (2) of this subsection to the contrary, for calendar year 2021, an employer shall submit an application for a new alternative insurance or benefit plan not less than 60 calendar days prior to the first day of the first quarter for which contributions shall be due.

(B) The Commissioner shall make a determination and notify the employer of whether its application has been approved not later than 15 calendar days prior to the first day of the first quarter for which contributions shall be due. If the application is approved, the Commissioner shall also

provide a copy of the notice to the Commissioners of Labor and of Taxes not later than 15 calendar days prior to the first day of the first quarter for which contributions shall be due.

(C) An employer that receives approval for an alternative insurance or benefit plan pursuant to this subdivision (4) shall, during calendar year 2021, be exempt from withholding contributions as provided pursuant to subdivision 574(b)(2) of this subchapter.

(d) Nothing in this subchapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or paid time off policy that provides more generous benefits than the benefits provided pursuant to this subchapter.

§ 577a. MEDICAL LEAVE COVERAGE; ELECTION

(a)(1) An employee may elect to obtain coverage for medical leave by submitting an enrollment form approved by the Commissioner of Taxes to either:

(A) his or her employer and the Commissioner of Taxes; or

(B) if his or her employer has received approval for an alternative insurance or benefits plan pursuant to section 577 of this subchapter, his or her employer.

(2) An employee who elects to enroll in medical leave coverage shall submit the form required pursuant to subdivision (a)(1) of this section not later than December 1 of the year prior to the year in which the employee intends to begin medical leave coverage.

(b)(1) An employee who has enrolled in medical leave coverage pursuant to the provisions of subsection (a) of this section shall become liable for the additional contribution amount required pursuant to subdivision 573(b)(1)(B) of this subchapter or the additional cost for medical leave coverage under his or her employer's alternative plan beginning on the next January 1 following his or her enrollment.

(2)(A) An employee who enrolls in medical leave coverage through the Family and Medical Leave Insurance Program shall remain enrolled for a minimum period of three years. At the conclusion of his or her initial three-year period, and annually thereafter, the employee may discontinue his or her medical leave coverage pursuant to subsection (c) of this section.

(B) An employee who enrolls in medical leave coverage through an alternative insurance or benefits plan offered by his or her employer shall remain enrolled for the minimum period required pursuant to the plan. At the conclusion of the minimum required period, and annually thereafter, the

employee may discontinue his or her medical leave coverage pursuant to subsection (c) of this section.

(3) The employee shall be liable for the additional medical leave contribution amount required pursuant to subdivision 573(b)(1)(B) of this subchapter or the additional cost for medical leave coverage under his or her employer's alternative plan until he or she discontinues medical leave coverage pursuant to subsection (c) or (d) of this section.

(4) The employee shall become eligible to use medical leave benefits upon satisfying the requirements to be a qualified employee pursuant to subdivision 571(10) of this subchapter or meeting the eligibility requirements for his or her employer's alternative insurance or benefits plan, as appropriate.

(c)(1) An employee may discontinue medical leave coverage by submitting, not later than December 1, of the year prior to the calendar year in which the employee intends to discontinue coverage, a form approved by the Commissioner of Taxes to either:

(A) his or her employer and the Commissioner of Taxes; or

(B) if his or her employer has received approval for an alternative insurance or benefits plan pursuant to section 577 of this subchapter, his or her employer.

(2) On the next January 1 after the timely submission of the form required pursuant to subdivision (1) of this subsection, the employee shall no longer:

(A) be eligible for medical leave benefits; and

(B) be liable for the additional contribution amount required pursuant to subdivision 573(b)(1)(B) of this subchapter or the additional cost for medical leave coverage under his or her employer's alternative plan.

(d)(1) An employee who is ceasing employment in Vermont or becoming self-employed may discontinue his or her medical leave coverage effective on his or her last day of employment by submitting a form approved by the Commissioner of Taxes to either:

(A) his or her employer and the Commissioner of Taxes; or

(B) if his or her employer has received approval for an alternative insurance or benefits plan pursuant to section 577 of this subchapter, his or her employer.

(2) Upon the effective date of the employee's discontinuation of coverage, he or she shall no longer be:

(A) eligible for medical leave benefits; and

(B) liable for the additional contribution amount required pursuant to subdivision 573(b)(1)(B) of this subchapter or the additional cost for medical leave coverage under his or her employer's alternative plan.

(e)(1) For an employee who has elected to obtain medical leave coverage through the Family and Medical Leave Insurance Program:

(A) If during the initial three-year period, he or she experiences a break in employment and is subsequently rehired by any employer participating in the Family and Medical Leave Insurance Program, the employee shall remain enrolled in medical leave coverage and the period of his or her break in employment shall count toward the initial three-year period.

(B) If at any time, he or she separates from employment with an employer that is participating in the Family and Medical Leave Insurance Program in order to take a job with another employer that is participating in the Family and Medical Leave Insurance Program, the employee shall remain enrolled in medical leave coverage and, if applicable, the period of any break in employment shall count toward the initial three-year period.

(C) If at any time, he or she separates from employment with an employer that is participating in the Family and Medical Leave Insurance Program and subsequently begins employment with an employer that has received approval for an alternative insurance or benefits plan pursuant to section 577 of this subchapter, the employee's medical leave coverage under the Family and Medical Leave Insurance Program shall cease on the day he or she commences employment with the new employer.

(2)(A) If an employee who has elected to obtain medical leave coverage through an alternative insurance or benefits plan approved pursuant to section 577 of this subchapter separates from employment with his or her employer that has received approval for an alternative plan in order to take a job with another employer, the employee's medical leave coverage under the alternative plan shall cease on the day he or she separates from employment with the current employer.

(B) On the date the employee separates from employment, he or she shall no longer be eligible for medical leave benefits under the alternative plan, and shall no longer be liable for the additional cost for medical leave coverage under his or her former employer's alternative plan.

(f)(1) Notwithstanding any provision of subsection (a) to the contrary, an employee who elects to enroll in medical leave coverage for calendar year 2021, shall, not later than 30 calendar days prior to the first day of the first quarter for which contributions shall be due, submit an enrollment form

approved by the Commissioner of Taxes to either:

(A) the Commissioner of Taxes and his or her employer; or

(B) if his or her employer has received approval for an alternative insurance or benefits plan pursuant to section 577 of this subchapter, his or her employer.

(2) An employee who has enrolled in medical leave coverage pursuant to the provisions of subdivision (1) of this subsection shall become liable for the additional contribution amount required pursuant to subdivision 573(b)(1)(B) of this subchapter or the additional cost for medical leave coverage under his or her employer's alternative plan beginning on the first day of the first quarter for which contributions shall be due.

(3)(A) An employee who has enrolled pursuant to subdivision (1) of this subsection in medical leave coverage offered through the Family and Medical Leave Insurance Program shall be eligible to discontinue that coverage on January 1, 2024 by submitting the required form not later than December 1, 2023.

(B) An employee who has enrolled pursuant to subdivision (1) of this subsection in medical leave coverage offered through his or her employer's alternative insurance or benefits plan shall be eligible to discontinue that coverage not later than January 1, 2024 by submitting the required form at least 30 calendar days prior to the date on which his or her coverage will cease.

§ 578. DISQUALIFICATIONS

A qualified employee shall be disqualified for benefits for any week in which he or she has received:

(1) compensation for temporary partial disability or temporary total disability under the workers' compensation law of any state or under a similar law of the United States; or

(2) unemployment insurance benefits under the law of any state.

§ 579. APPEALS

(a) An employer or employee aggrieved by a decision under section 576 or 578 of this subchapter may file an initial appeal of the decision with the insurance carrier that the State has contracted with.

(b) Within 20 calendar days after receiving notice of the insurance carrier's decision on the initial appeal, the employer or employee may appeal the decision to an administrative law judge as provided pursuant to sections 1348 and 1351–1357 of this title.

(c) Within 30 calendar days after receiving notice of the administrative law judge's decision, either party may appeal that decision to the Supreme Court.

§ 580. FALSE STATEMENT OR REPRESENTATION; PENALTY

A person who willfully makes a false statement or representation for the purpose of obtaining any benefit or payment or to avoid payment of any required contributions under the provisions of this subchapter, either for himself or herself or for any other person, after notice and opportunity for hearing, may be assessed an administrative penalty of not more than \$20,000.00 and shall forfeit all or a portion of any right to benefits under the provisions of this subchapter, as determined to be appropriate by the Commissioner of Labor or Commissioner of Financial Regulation, as appropriate.

§ 581. REHIRING; LIMITED RIGHT; SENIORITY AND BENEFITS PROTECTED

(a)(1)(A) An employee who is not entitled to job protection pursuant to section 472 of this chapter and is separated from employment in relation to a leave for which he or she receives Family and Medical Leave Insurance benefits pursuant to this subchapter shall have a limited right to be rehired by his or her employer following the conclusion of his or her leave.

(B) The employer shall offer the employee the first available suitable position based on the position the employee held at the time his or her leave began.

(C) If the employee declines the offer, he or she shall not be entitled to any further employment offers from the employer.

(2) An employee shall not be entitled to be rehired pursuant to the provisions of this section if:

(A) the employee fails to inform the employer of:

(i) the need for the leave;

(ii) his or her interest in being rehired at the conclusion of the leave; and

(iii) the date on which his or her leave is anticipated to conclude;

(B) the employee had been given notice, or had given notice, prior to providing his or her employer with notice of the leave;

(C) the employer can demonstrate by clear and convincing evidence that during the leave, or prior to the employee's reinstatement, the employee's position would have been terminated or the employee laid off for reasons unrelated to the leave or the reason for which the employee took the leave; or

(D) the employee has exhausted his or her right to job protection for the leave pursuant to section 472 of this chapter and the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654.

(3) An employee’s right to be rehired pursuant to the provisions of this section shall expire two years after the date on which his or her leave concluded.

(b) Upon being rehired pursuant to the provisions of this section, an employee shall regain any seniority and unused accrued paid leave he or she was entitled to prior to the leave, less any accrued paid leave used during the leave.

(c) Nothing in this section shall be construed to diminish an employee’s rights pursuant to subsection 472(f) of this chapter.

(d)(1) An employee aggrieved by an employer’s failure to comply with the provisions of this section may bring an action in the Civil Division of the Superior Court in the county where the employment is located for compensatory and punitive damages or equitable relief, including restraint of prohibited acts, restitution of wages or other benefits, reinstatement, costs, and other appropriate relief.

(2) A copy of the complaint shall be filed with the Commissioner of Labor.

(3) The court shall award reasonable attorney’s fees to the employee if he or she prevails.

§ 582. PROTECTION FROM RETALIATION OR INTERFERENCE

(a) An employer shall not discharge or in any other manner retaliate against an employee who exercises or attempts to exercise his or her rights under this subchapter. The provisions against retaliation in subdivision 495(a)(8) of this title shall apply to this subchapter.

(b) An employer shall not interfere with, restrain, or otherwise prevent an employee from exercising or attempting to exercise his or her rights pursuant to this subchapter.

(c) An employee aggrieved by a violation of the provisions of this subchapter may bring an action in Superior Court seeking compensatory and punitive damages or equitable relief, including restraint of prohibited acts, restitution of wages or other benefits, reinstatement, costs, reasonable attorney’s fees, and other appropriate relief.

§ 583. CONFIDENTIALITY OF INFORMATION

(a) Information obtained from an employer or individual in the

administration of this subchapter and determinations of an individual's right to receive benefits that reveal an employer's or individual's identity in any manner shall be kept confidential and, to the extent that such information is obtained by the State, shall be exempt from public inspection and copying under the Public Records Act. Such information shall not be admissible as evidence in any action or proceeding other than one brought pursuant to the provisions of this subchapter.

(b) Notwithstanding subsection (a) of this section:

(1) an individual or his or her duly authorized agent may be provided with information to the extent necessary for the proper presentation of his or her claim for benefits or to inform him or her of his or her existing or prospective rights to benefits; and

(2) an employer may be provided with information that the Commissioner of Financial Regulation, of Labor, or of Taxes determines is necessary to enable the employer to discharge fully its obligations and protect its rights under this subchapter.

§ 584. RULEMAKING

(a) The Commissioner of Taxes shall adopt rules as necessary to implement the provisions of section 574 of this subchapter. The rules adopted by the Commissioner of Taxes shall include:

(1) procedures for the collection of contributions;

(2) reporting and record-keeping requirements for employers; and

(3) requirements for forms related to enrollment in medical leave coverage and discontinuance of medical leave coverage.

(b) The Commissioner of Financial Regulation shall adopt rules as necessary to implement the provisions of section 577 of this subchapter. The rules adopted by the Commissioner of Financial Regulation shall include requirements and criteria for the approval of an employer's alternative insurance or benefit plan pursuant to section 577 of this subchapter and for determining whether a proposed plan provides benefits that are equivalent to or more generous than the benefits provided pursuant to this subchapter.

(c)(1) The Commissioner of Labor shall adopt rules as necessary to implement all other provisions of this subchapter. The rules adopted by the Commissioner of Labor shall include:

(A) acceptable documentation for demonstrating eligibility for benefits;

(B) requirements for providing certification from a health care provider of the need for family care leave or medical leave that are modeled on

the federal rules governing certification of a serious health condition under the Family and Medical Leave Act;

(C) requirements for obtaining authorization for an individual's health care provider to disclose information necessary to make a determination of the individual's eligibility for benefits;

(D) procedures for appeals pursuant to subsection 579(b) of this subchapter; and

(E) rules to permit an employee to authorize the Department, in compliance with all applicable provisions of federal law, to disclose unemployment insurance information to the insurance carrier as necessary to determine if the employee meets the requirements to be a qualified employee as defined pursuant to subdivision 571(10) of this subchapter.

(2) The Commissioner of Labor shall create a form that will permit an employee to provide informed consent for the Department to disclose unemployment insurance information to the insurance carrier as necessary to determine if the employee meets the requirements to be a qualified employee as defined pursuant to subdivision 571(10) of this subchapter. The form shall satisfy all applicable requirements under federal law.

§ 585. FAMILY AND MEDICAL LEAVE INSURANCE SPECIAL FUND

The Family and Medical Leave Insurance Special Fund is created pursuant to 32 V.S.A. chapter 7, subchapter 5. The Fund shall consist of contributions collected from employers pursuant to section 574 of this subchapter. The Fund may be expended by the Commissioner of Taxes for the payment of premiums related to the Family and Medical Leave Insurance Program and by the Commissioners of Financial Regulation, of Labor, and of Taxes for the administration of the Family and Medical Leave Insurance Program. All interest earned on Fund balances shall be credited to the Fund.

Sec. 3. 21 V.S.A. § 586 is added to read:

§ 586. OVERPAYMENT OF BENEFITS; COLLECTION

(a)(1) Any individual who by nondisclosure or misrepresentation of a material fact, by him or her or by another person, has received Family and Medical Leave Insurance benefits when he or she failed to fulfill a requirement for the receipt of benefits pursuant to this chapter or while he or she was disqualified from receiving benefits pursuant to section 578 of this chapter shall be liable to repay to the Commissioner of Labor the amount received.

(2) Upon determining that an individual has received benefits under this chapter that he or she was not entitled to, the Commissioner of Labor shall provide the individual with notice of the determination. The notice shall

include a statement that the individual is liable to repay to the Commissioner the amount of overpaid benefits and shall identify the basis of the overpayment and the time period in which the benefits were paid.

(3) The determination shall be made within not more than three years after the date of the overpayment.

(b)(1) An individual liable under this section shall repay the overpaid amount to the Commissioner for deposit into the Family and Medical Leave Insurance Special Fund.

(2) If the Commissioner finds that the individual intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits, in addition to the repayment under subdivision (1) of this subsection, the person shall pay an additional penalty of 15 percent of the amount of the overpaid benefits, which shall also be deposited into the Fund.

(3) The Commissioner may collect the amounts due under this section in civil action in the Superior Court.

(c) If an individual is liable to repay any amount pursuant to this section, the Commissioner may withhold, in whole or in part, any future benefits payable to the individual pursuant to this chapter and credit the withheld benefits against the amount due from the individual until it is repaid in full, less any penalties assessed under subdivision (b)(2) of this section.

(d) In addition to the remedy provided pursuant to this section, an individual who intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits may be subject to the penalties provided pursuant to section 580 of this title.

Sec. 4. ADOPTION OF RULES

(a) Not later than 215 calendar days after the effective date of this act, the Commissioner of Taxes shall adopt rules necessary to implement the provisions of 21 V.S.A. § 574, which shall include:

(1) procedures for the collection of contributions;

(2) reporting and record-keeping requirements for employers; and

(3) requirements for forms related to enrollment in medical leave coverage and discontinuance of medical leave coverage.

(b) Not later than 215 calendar days after the effective date of this act, the Commissioner of Financial Regulation shall adopt rules as necessary to implement the provisions of 21 V.S.A. § 577. The rules adopted by the Commissioner of Financial Regulation shall include requirements and criteria for the approval of an employer's alternative insurance or benefit plan

pursuant to 21 V.S.A. § 577 and for determining whether a proposed plan provides benefits that are equivalent to or more generous than the benefits provided pursuant to 21 V.S.A. chapter 5, subchapter 13.

(c) Not later than one year after the effective date of this act, the Commissioner of Labor shall adopt rules necessary to implement all other provisions of 21 V.S.A. chapter 5, subchapter 13, which shall include:

(1) acceptable documentation for demonstrating eligibility for benefits;

(2) requirements for providing certification from a health care provider of the need for family care leave or medical leave that are modeled on the federal rules governing certification of a serious health condition under the Family and Medical Leave Act;

(3) requirements for obtaining authorization for an individual's health care provider to disclose information necessary to make a determination of the individual's eligibility for benefits;

(4) procedures for appealing a decision pursuant to 21 V.S.A. § 579(b);

(5) the establishment of the existence of an in loco parentis relationship between an employee and another individual; and

(6) rules to permit an employee to authorize the Department, in compliance with all applicable provisions of federal law, to disclose unemployment insurance information to the insurance carrier as necessary to determine if the employee meets the requirements to be a qualified employee as defined pursuant to subdivision 571(10) of this chapter.

Sec. 5. EDUCATION AND OUTREACH

(a) Not later than one year after the effective date of this act, the Commissioner of Labor shall develop and make available on the Department of Labor's website:

(1) information and materials to educate and inform employers and employees about the Family and Medical Leave Insurance Program established pursuant to 21 V.S.A. chapter 5, subchapter 13; and

(2) a model poster providing notice of the provisions of 21 V.S.A. chapter 5, subchapter 13.

(b) On or before June 15, 2021, an employer shall provide written notice of the provisions of 21 V.S.A. chapter 5, subchapter 13 to each employee who was employed by the employer on June 1, 2021.

Sec. 6. ESTABLISHMENT OF FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM; EXPENDITURES FROM SPECIAL FUND

The Commissioner of Finance and Management may, pursuant to 32 V.S.A. § 588(4)(C), issue warrants for expenditures from the Family and Medical Leave Insurance Special Fund necessary to establish the Family and Medical Leave Insurance Program in anticipation of the receipt of contributions submitted pursuant to 21 V.S.A. §§ 573 and 574.

Sec. 7. ADEQUACY OF RESERVES; REPORT

Annually, on or before January 15, 2022, 2023, and 2024, the Commissioner of Labor, in consultation with the Commissioners of Finance and Management, of Financial Regulation, and of Taxes, shall submit a written report to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance regarding the amount and adequacy of the reserves in the Family and Medical Leave Insurance Special Fund and any recommendations for legislative action necessary to ensure that an adequate reserve is maintained in the Fund.

Sec. 8. 21 V.S.A. § 471 is amended to read:

§ 471. DEFINITIONS

As used in this subchapter:

(1) “Employer” means an individual, organization ~~or~~, governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air or express company doing business in or operating within this State ~~which for the purposes of parental leave that employs 10 or more individuals who are employed for an average of at least 30 hours per week during a year and for the purposes of family leave employs 15 or more individuals for an average of at least 30 hours per week during a year.~~

* * *

(3) “Family leave” means a leave of absence from employment by an employee who works for an employer ~~which~~ that employs ~~15~~ 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:

(A) the serious illness of the employee; ~~or~~

~~(B) the serious illness of the employee's child, stepchild or ward who lives with the employee, foster child, parent, spouse or parent of the employee's spouse family member;~~

~~(4) "Parental leave" means a leave of absence from employment by an employee who works for an employer which employs 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:~~

~~(C) the employee's pregnancy;~~

~~(A)(D) the birth of the employee's child; or~~

~~(B)(E) the initial placement of a child 16 18 years of age or younger with the employee for the purpose of adoption or foster care.~~

~~(4) "Family member" means:~~

~~(A) the employee's child or foster child;~~

~~(B) a step child or ward who lives with the employee;~~

~~(C) the employee's spouse, domestic partner, or civil union partner;~~

~~(D) the employee's parent or the parent of the employee's spouse, domestic partner, or civil union partner;~~

~~(E) the employee's sibling;~~

~~(F) the employee's grandparent;~~

~~(G) the employee's grandchild; or~~

~~(H) a child for whom the employee stands in loco parentis or an individual who stood in loco parentis for the employee when he or she was a child.~~

* * *

~~(6) "Commissioner" means the Commissioner of Labor.~~

~~(7) "Domestic partner" has the same meaning as in 17 V.S.A. § 2414.~~

~~(8) "In loco parentis" means a child for whom the employee has day-to-day responsibilities to care for and financially support, or, in the case of the employee, an individual who had such responsibility for the employee when he or she was a child.~~

Sec. 9. 21 V.S.A. § 472 is amended to read:

§ 472. FAMILY LEAVE

(a) During any 12-month period, an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks for the following reasons:

- (1) ~~for parental leave, during the employee's pregnancy and;~~
 (2) ~~following the birth of an~~ the ~~employee's child or;~~
 (3) ~~within a year following the initial placement of a child~~ 16 18 ~~years~~
 of age or younger with the employee for the purpose of adoption- or foster
~~care;~~

- (2)(4) ~~for family leave, for the serious illness of the employee; or~~
 (5) ~~the serious illness of the employee's child, stepchild or ward of the~~
~~employee who lives with the employee, foster child, parent, spouse, or parent~~
~~of the employee's spouse family member.~~

(b) During the leave, at the employee's option, the employee may use
 accrued sick leave ~~or~~, vacation leave ~~or~~, any other accrued paid leave, ~~not to~~
~~exceed six weeks~~ Family and Medical Leave Insurance benefits pursuant to
subchapter 13 of this chapter, or short-term disability insurance or other
insurance benefits. ~~Utilization~~ Use of accrued paid leave, Family and Medical
Leave Insurance benefits, or other insurance benefits shall not extend the leave
 provided ~~herein~~ by this section.

* * *

(d) The employer shall post and maintain in a conspicuous place in and
 about each of ~~his or her~~ its places of business printed notices of the provisions
 of this subchapter on forms provided by the Commissioner of Labor.

(e)(1) An employee shall give his or her employer reasonable written
 notice of intent to take family leave under this subchapter. Notice shall
 include the date the leave is expected to commence and the estimated duration
 of the leave.

(2) In the case of the adoption or birth of a child, an employer shall not
 require that notice be given more than six weeks prior to the anticipated
 commencement of the leave.

(3) In the case of an unanticipated serious illness or premature birth, the
employee shall give the employer notice of the commencement of the leave as
soon as practicable.

(4) In the case of serious illness of the employee or a member of the
 employee's family, an employer may require certification from a physician to
 verify the condition and the amount and necessity for the leave requested.

(5) An employee may return from leave earlier than estimated upon
 approval of the employer.

(6) An employee shall provide reasonable notice to the employer of his
 or her need to extend the leave to the extent provided by this chapter.

* * *

(h) Except for a serious illness of the employee, an employee who does not return to employment with the employer who provided the family leave shall return to the employer the value of any compensation paid to or on behalf of the employee during the leave, except payments of Family and Medical Leave Insurance benefits and payments or for accrued sick leave or, vacation leave, or other paid leave. An employer may elect to waive the rights provided pursuant to this subsection.

Sec. 10. 21 V.S.A. § 1344 is amended to read:

§ 1344. DISQUALIFICATIONS

(a) An individual shall be disqualified for benefits:

* * *

(5) For any week with respect to which the individual is receiving or has received remuneration in the form of:

* * *

(F) Family and Medical Leave Insurance benefits pursuant to chapter 5, subchapter 13 of this title.

* * *

Sec. 11. 21 V.S.A. § 1325 is amended to read:

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

(a)(1) The Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

* * *

(G) The individual was employed by that employer as a result of another employee taking leave under chapter 5, subchapter 13 of this title, and the individual's employment was terminated as a result of the reinstatement of the other employee following his or her leave under chapter 5, subchapter 13 of this title.

* * *

Sec. 12. SELF-EMPLOYED INDIVIDUAL; OPT-IN; REPORT

On or before January 15, 2022, the Commissioner of Labor, in consultation with the insurance carrier that the State has contracted with, if any, and the Commissioners of Financial Regulation and of Taxes, shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the potential for permitting self-employed individuals to elect to obtain coverage through the Family and Medical Leave Insurance Program. In particular, the report shall examine the experience of other states that allow self-employed individuals to obtain coverage under their family and medical leave insurance programs, and the potential impact of permitting self-employed individuals to elect to obtain coverage through the Family and Medical Leave Insurance Program on the Program, contribution rates, and administrative costs. The report shall also include a recommendation for legislative action necessary to permit self-employed individuals to elect to obtain coverage through the Family and Medical Leave Insurance Program.

Sec. 13. POTENTIAL TRANSITION TO STATE-OPERATED FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM; REPORT

On or before January 15, 2024, the Commissioner of Labor, in consultation with the Commissioners of Financial Regulation and of Taxes, shall report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the potential for transitioning the Family and Medical Leave Insurance Program to a program that is fully administered and operated by the State. The report shall identify the potential costs to the State of such a transition and the amount of time necessary to successfully accomplish the transition, as well as the expected impacts on contribution rates, administrative efficiency, and the experience of employers and employees. The report shall also examine and contrast the potential benefits and drawbacks of ensuring the solvency of a program that is fully administered and operated by the State by either maintaining a reserve or obtaining reinsurance. The report shall include a recommendation regarding whether the Family and Medical Leave Insurance Program should transition to a program that is fully administered and operated by the State.

Sec. 14. 3 V.S.A. § 638 is added to read:

§ 638. FAMILY AND MEDICAL LEAVE INSURANCE

(a) All State employees shall be provided with family and medical leave insurance that satisfies the requirements of 21 V.S.A. chapter 5, subchapter 13.

(b) The State shall bargain with the appropriate collective bargaining representative for each bargaining unit of State employees to determine:

(1) whether State employees will be covered by the Family and Medical Leave Insurance Program or an alternative insurance or benefit plan established pursuant to 21 V.S.A. § 577;

(2) if the State employees will be covered by the Family and Medical Leave Insurance Program, the portion of the contribution rate established pursuant to 21 V.S.A. § 573 that the State and the employees will be responsible for; and

(3) if the State employees will be covered by an alternative insurance or benefit plan established pursuant to 21 V.S.A. § 577, the cost of the program to the employees, and the length of leave and level of wage replacement that the employees will be eligible for.

(c)(1) The contribution rate determined pursuant to subdivision (b)(2) of this section or the cost of the plan to the employees determined pursuant to subdivision (b)(3) of this section shall be the same for all State employees, regardless of whether the employees are permitted to collectively bargain pursuant to 3 V.S.A. chapter 27 or 28.

(2) The length of leave and level of wage replacement determined pursuant to subdivision (b)(3) of this section shall be the same for all State employees, regardless of whether the employees are permitted to collectively bargain pursuant to 3 V.S.A. chapter 27 or 28.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, the sworn Vermont State Police Officers below the rank of Lieutenant shall not be required to have the same rate of contribution or the same cost of the plan, length of leave, and level of wage replacement as other State employees.

Sec. 15. REQUEST FOR INFORMATION; REQUEST FOR PROPOSALS;
REPORTS

(a) For calendar year 2020, not later than 15 calendar days after the request for information is issued pursuant to 21 V.S.A. § 572, the Commissioner of Financial Regulation shall submit a copy of the request for information to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance.

(b) For calendar year 2020, not later than 15 calendar days after the request for information is due pursuant to 21 V.S.A. § 572, the Commissioner of Finance shall submit a brief summary of the responses to the request for

information together with copies of all the responses to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance. The Commissioner of Financial Regulation may redact confidential business information from the copies of the responses to the request for information before submitting them.

(c) For calendar year 2020, not later than 15 calendar days after the request for proposals is issued pursuant to 21 V.S.A. § 572, the Commissioner of Financial Regulation shall submit a copy of the request for proposals to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance.

(d) For calendar year 2020, not later than 15 calendar days after the Commissioner of Financial Regulation selects an insurance carrier pursuant to 21 V.S.A. § 572, the Commissioner of Financial Regulation shall submit a written report summarizing the outcome of the request for proposal process to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance.

Sec. 16. PLAN FOR STATE OPERATION OF FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM; REPORT

In the event that the Commissioner of Financial Regulation is unable to secure a suitable insurance carrier to provide paid family and medical leave insurance pursuant to the provisions of 21 V.S.A. § 572(b), the Commissioner of Labor, in consultation with the Commissioners of Financial Regulation and of Taxes, shall, not later than 60 calendar days after the deadline to select an insurance carrier pursuant to 21 V.S.A. § 572, submit a written report outlining a plan for the State to operate the Family and Medical Leave Insurance Program to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance. The report shall include a detailed explanation of how the State will implement Family and Medical Leave Insurance Program and carry out the requirements of 21 V.S.A. chapter 5, subchapter 13, including specific details and requirements related to staffing, information technology development, the development of rules and procedures, ensuring adequate reserves in the Family and Medical Leave Insurance Special Fund, and, if

appropriate, the utilization of one or more third-party administrators. The report shall also include a recommendation for any legislative action necessary for the State to successfully implement the Family and Medical Leave Insurance Program.

Sec. 17. APPROPRIATIONS; POSITIONS

(a)(1) The sum of \$1,000,000.00 is appropriated from the Family and Medical Leave Insurance Special Fund to the Department of Taxes in fiscal year 2021 for temporary staffing needs related to the adoption of rules, the development of information technology systems necessary to implement the provisions of 21 V.S.A. § 574, and, if applicable, to contract with the private insurance carrier selected pursuant to 21 V.S.A. § 572 to administer the collection of Family and Medical Leave Insurance contributions.

(2) The sum of \$217,900.00 is appropriated from the Family and Medical Leave Insurance Special Fund to the Department of Labor for staffing needs related to the adoption of rules and for the development of forms, procedures, and outreach and education materials related to the Family and Medical Leave Insurance Program established pursuant to 21 V.S.A. chapter 5, subchapter 13.

(b) The establishment of one new administrator position in the Department of Labor is authorized in fiscal year 2021.

Sec. 18. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

* * *

(d) The Commissioner shall disclose a return or return information:

* * *

(8) to the Attorney General, the Data Clearinghouse established in the October 2017 Non-Participating Manufacturer Adjustment Settlement Agreement, which the State of Vermont joined in 2018, the National Association of Attorneys General, and counsel for the parties to the Agreement as required by the Agreement and to the extent necessary to comply with the Agreement and only as long as the State is a party thereto; and

(9) to the Commissioner of Financial Regulation, the Commissioner of Labor, or the private insurance carrier contracted with by the Commissioner of Financial Regulation pursuant to 21 V.S.A. § 572, provided the information is related to the administration of the Family and Medical Leave Insurance Program created pursuant to 21 V.S.A. chapter 5, subchapter 13.

* * *

Sec. 19. 21 V.S.A. § 1314 is amended to read:

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

* * *

(e)(1) Subject to such restrictions as the Board may ~~by regulation~~ prescribe by rule, information from unemployment insurance records may be made available to any public officer or public agency of this or any other state or the federal government dealing with the administration or regulation of relief, public assistance, unemployment compensation, a system of public employment offices, wages and hours of employment, workers' compensation, misclassification or miscoding of workers, occupational safety and health, or a public works program for purposes appropriate to the necessary operation of those offices or agencies. The Commissioner may also make information available to colleges, universities, and public agencies of the State for use in connection with research projects of a public service nature, and to the Vermont Economic Progress Council with regard to the administration of 32 V.S.A. chapter 105, subchapter 2; but no person associated with those institutions or agencies may disclose that information in any manner that would reveal the identity of any individual or employing unit from or concerning whom the information was obtained by the Commissioner.

* * *

(8)(A) The Department of Labor shall disclose, upon request, to the insurance carrier that the Commissioner of Financial Regulation has contracted with to operate the Family and Medical Leave Insurance Program pursuant to section 572 of this title, any information in its records related to an identified individual that is necessary for the purpose of determining the individual's eligibility for Family and Medical Leave Insurance benefits pursuant to chapter 5, subchapter 13 of this title.

(B) The Commissioner shall enter into an agreement with the insurance carrier that governs the use of the disclosed information and complies with all requirements of 20 C.F.R. § 603.10.

(C) The information requested shall not be released unless the individual to whom the requested information relates has signed a consent form, approved by the Commissioner, that permits the release of the requested information.

(D) The requested information shall not be released unless the insurance carrier agrees to reimburse the Department of Labor for the costs involved in furnishing the requested information.

* * *

Sec. 20. POTENTIAL TRANSITION TO MANDATORY COVERAGE FOR MEDICAL LEAVE FOR AN EMPLOYEE'S OWN SERIOUS ILLNESS; REPORT

(a) On or before January 15, 2021, the Commissioner of Labor, in consultation with the Commissioners of Financial Regulation and of Taxes, shall report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the potential for transitioning, not later than July 1, 2023, from voluntary, opt-in coverage for medical leave to mandatory coverage for medical leave for all employees. The report shall examine:

(1) the potential cost of such a transition;

(2) the potential impacts on contribution rates, administrative efficiency, and the experience of employers and employees;

(3) any projected changes in the usage of Family and Medical Leave Insurance benefits; and

(4) any potential changes to the agreement between the State and the private insurance carrier that the State has contracted with pursuant to 21 V.S.A. § 572 that the transition may make necessary.

(b) The report shall include a detailed description of any legislative changes that would be necessary to accomplish the transition.

(c) As used in this section:

(1) "Employee" has the same meaning as in 21 V.S.A. § 571(4).

(2) "Medical leave" has the same meaning as in 21 V.S.A. § 571(9).

Sec. 21. STATE PLAN FOR FAMILY AND MEDICAL LEAVE INSURANCE

(a) Notwithstanding any provision of 21 V.S.A. § 577 to the contrary, the paid family and medical leave program agreed to by the State and its collective bargaining units that takes effect on July 1, 2020 shall be deemed to provide benefits that are equivalent to the benefits provided pursuant to 21 V.S.A. chapter 5, subchapter 13.

(b) Notwithstanding any provision of 3 V.S.A. § 638(b) to the contrary, the State and its collective bargaining units shall not be required to conduct

negotiations pursuant to 3 V.S.A. § 638(b) for purposes of the collective bargaining agreements that take effect on July 1, 2020.

Sec. 22. EFFECTIVE DATES

(a) This section and Secs. 1, 2, 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 shall take effect on passage.

(b) Secs. 3 and 7 shall not take effect until January 1, 2021, and shall not take effect at all if the Commissioner of Financial Regulation secures a suitable insurance carrier to provide paid family and medical leave insurance pursuant to the provisions of 21 V.S.A. § 572(b).

(c) Secs. 8, 9, 10, and 11 shall take effect on the date upon which employees may begin receiving benefits pursuant to subsection (d) of this section.

(d)(1)(A) If the Commissioner of Financial Regulation selects a private insurance carrier pursuant to 21 V.S.A. § 572 on or before September 1, 2020, contributions shall begin being withheld pursuant to 21 V.S.A. §§ 573 and 574 on January 1, 2021, and, beginning on July 1, 2021, employees may begin to receive benefits pursuant to 21 V.S.A. chapter 5, subchapter 13.

(B) If the Commissioner of Financial Regulation selects a private insurance carrier pursuant to 21 V.S.A. § 572 after September 1, 2020, contributions shall begin being withheld pursuant to 21 V.S.A. §§ 573 and 574 on April 1, 2021, and, beginning on October 1, 2021, employees may begin to receive benefits pursuant to 21 V.S.A. chapter 5, subchapter 13.

(C) Notwithstanding subdivisions (A) and (B) of this subdivision (d)(1), if the Commissioner of Financial Regulation is unable to secure a private insurance carrier pursuant to 21 V.S.A. § 572, contributions shall begin being withheld pursuant to 21 V.S.A. §§ 573 and 574 on July 1, 2021, and, beginning on July 1, 2022, employees may begin to receive benefits pursuant to 21 V.S.A. chapter 5, subchapter 13.

(2) In order to permit employers and collective bargaining representatives to negotiate regarding the employer's and employees' shares of the contribution rate and whether the employer will provide benefits through an alternative plan established pursuant to 21 V.S.A. § 577, an employer that is subject to a collective bargaining agreement shall not be required to withhold contributions or be subject to the provisions of 21 V.S.A. chapter 5, subchapter 13 until the earlier of:

(A) the effective date of the next collective bargaining agreement after the date when contributions are required to begin being withheld pursuant to subdivision (1) of this subsection; or

(B) the effective date of a supplement to or provision of an existing collective bargaining agreement that specifically addresses the provisions of 21 V.S.A. chapter 5, subchapter 13.

*MICHAEL D. SIROTKIN
ALISON CLARKSON
REBECCA A. BALINT*

Committee on the part of the Senate

*THOMAS S. STEVENS
ROBIN P. SCHEU*

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative on a roll call Yeas 20, Nays 9.

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, Campion, Clarkson, Cummings, Hardy, Hooker, Ingram, Lyons, MacDonald, McCormack, Nitka, Pearson, Perchlik, Pollina, Sirotkin, Starr, White.

Those Senators who voted in the negative were: Benning, Brock, Collamore, Kitchel, Mazza, McNeil, Parent, Rodgers, Westman.

The Senator absent and not voting was: Sears.

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. Austin and others,

By Senator Mazza,

H.C.R. 200.

House concurrent resolution congratulating the Hazelett Corporation in Colchester on its centennial.

By Reps. Morrissey and others,

By Senators Campion and Sears,

H.C.R. 202.

House concurrent resolution in memory of Lindy S. Lynch.

By Rep. Webb,

H.C.R. 203.

House concurrent resolution designating January 22, 2020 as Mentoring Day at the State House.

Adjournment

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, January 21, 2020, at one o'clock and fifty-five minutes in the afternoon pursuant to J.R.S. 33.

TUESDAY, JANUARY 21, 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.

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 34.

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. 34. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 24, 2020, it be to meet again no later than Tuesday, January 28, 2020.

Bills Introduced

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

S. 318.

By Senators Balint and Campion,

An act relating to financing options for public, educational, and government access television.

To the Committee on Finance.

S. 319.

By Senator Pollina,

An act relating to providing the State Auditor with access to accountable care organization records.

To the Committee on Health and Welfare.

S. 320.

By Senators Balint, Lyons, Clarkson, Hooker and Ingram,

An act relating to an incremental approach to health insurance coverage for hearing aids.

To the Committee on Finance.

S. 321.

By Senator Nitka,

An act relating to miscellaneous fish and wildlife issues.

To the Committee on Natural Resources and Energy.

S. 322.

By Senators Parent, Brock and Perchlik,

An act relating to establishing a Homebuyers Working Group.

To the Committee on Economic Development, Housing and General Affairs.

S. 323.

By Senator Lyons,

An act relating to the provision of menstrual hygiene products in schools.

To the Committee on Education.

S. 324.

By Senators Brock, Sears, Benning, Clarkson, Collamore, Cummings, Hardy, Mazza, McNeil, Rodgers, Sirotkin and Westman,

An act relating to prohibiting robocalls.

To the Committee on Judiciary.

S. 325.

By Senators Parent and Perchlik,

An act relating to amending the State Board of Education's special education rules.

To the Committee on Education.

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 tomorrow:

S. 326.

By the Committee on Education,

An act relating to the State Advisory Panel on Special Education.

Bills Introduced

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

S. 327.

By Senators Westman, Sirotkin and Balint,

An act relating to allowing fourth-class license locations to serve wine by the glass.

To the Committee on Economic Development, Housing and General Affairs.

S. 328.

By Senators Parent, Baruth, Hardy and Perchlik,

An act relating to student athlete compensation.

To the Committee on Education.

S. 329.

By Senators McCormack, Clarkson, Hardy, Hooker and Ingram,

An act relating to prohibiting carrying a firearm while under the influence of alcohol or drugs.

To the Committee on Judiciary.

Joint Assembly

At two o'clock in the afternoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 30. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at two o'clock and fifty-three minutes in the afternoon, the President assumed the Chair.

Committee Relieved of Further Consideration; Bill Committed

S. 267.

On motion of Senator Bray, the Committee on Natural Resources and Energy was relieved of further consideration of Senate bill entitled:

An act relating to the Renewable Energy Standard,
and the bill was committed to the Committee on Finance.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 22, 2020.

WEDNESDAY, JANUARY 22, 2020

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kenzan of East Calais.

Bill Referred to Committee on Appropriations

S. 326.

Senate Committee 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 State Advisory Panel on Special Education.

Bills Introduced

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

S. 330.

By Senators Sirotkin, Baruth and Clarkson,

An act relating to regulating contracts that renew automatically.

To the Committee on Economic Development, Housing and General Affairs.

S. 331.

By Senators Clarkson, Balint, Bray, Campion, Hardy, Hooker and Westman,

An act relating to reducing student loan debt for rural Vermont workers.

To the Committee on Economic Development, Housing and General Affairs.

S. 332.

By Senators Parent, Balint, Brock and Hardy,

An act relating to regulating student loan servicers.

To the Committee on Finance.

S. 333.

By Senators McCormack, Hooker and Nitka,

An act relating to expediting evictions for owner-occupied rental properties.

To the Committee on Economic Development, Housing and General Affairs.

S. 334.

By Senators Nitka, Clarkson, Hooker and Starr,

An act relating to increasing gradually the mandatory age of school attendance.

To the Committee on Education.

Bill Amended; Third Reading Ordered**S. 240.**

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

An act relating to recruiting new remote workers and new relocating workers.

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

Sec. 1. REMOTE WORKERS; NEW WORKER RELOCATION
INCENTIVE PROGRAM; FUNDING AUTHORITY

Of the amounts appropriated to the Agency of Commerce and Community Development in 2019 Acts and Resolves No. 80, Sec. 20 for the New Worker Relocation Incentive Program, the Agency may use not more than 50 percent of the funds in fiscal year 2020 to continue providing grants through the New Remote Worker Grant Program created in 2018 Acts and Resolves No. 197, Sec. 1, as amended by 2019 Acts and Resolves No. 80, Sec. 15.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported that the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs and when so amended ought to pass.

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

Third Reading Ordered

S. 186.

Senator Collamore, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to bonded officials.

Reported that the bill ought to pass.

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. 143.

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

An act relating to appointing town agents.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 13 (effective date), by striking out the date “July 1, 2019” and inserting in lieu thereof the date July 1, 2020

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 Thursday, January 23, 2020.

THURSDAY, JANUARY 23, 2020

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Mark Pitton of Sharon.

Message from the House No. 7

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. 554. An act relating to approval of the dissolution of the Village of Perkinsville and the merger of the Village with the Town of Weathersfield.

In the passage 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. 34. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The House has concurred in the adoption of a proposed amendment to the Vermont Constitution entitled:

Prop 2. Declaration of rights; clarifying the prohibition on slavery and indentured servitude.

Bill Referred

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

H. 554.

An act relating to approval of the dissolution of the Village of Perkinsville and the merger of the Village with the Town of Weathersfield.

To the Committee on Government Operations.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 186. An act relating to bonded officials.

S. 240. An act relating to recruiting new remote workers and new relocating workers.

Bill Passed in Concurrence with Proposal of Amendment

H. 143.

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

An act relating to appointing town agents.

Adjournment

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

FRIDAY, JANUARY 24, 2020

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Adrienne Carr of Underhill.

Joint Resolution Placed on Calendar

J.R.S. 35.

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senators Clarkson and McCormack,

J.R.S. 35. Joint resolution condemning the continuing occurrence of street harassment in Vermont.

Whereas, street harassment involves the targeting of individuals in public spaces with “homophobic and transphobic slurs, and other hateful comments referencing race, religion, class, and disability,” and

Whereas, even more harmful forms of street harassment are physical variants ranging from the making of kissing noises to “more threatening behavior,” such as stalking, flashing, and sexual assault, and

Whereas, street harassment’s victims are overwhelmingly women and openly LGBT individuals who are especially vulnerable targets, and the harasser is frequently a stranger, and

Whereas, despite the existence of the Vermont statutory crimes of disorderly conduct, aggravated disorderly conduct in a public place, and other pertinent offenses, the problem of street harassment persists, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly condemns the continuing occurrence of street harassment in Vermont, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Emily Donaldson, Vermont Law School Albert Schweitzer Fellow in South Royalton.

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

Senate Concurrent Resolution

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

By Senators Sears and Campion,

By Reps. Browning and James,

S.C.R. 17.

Senate concurrent resolution congratulating the 2019 Burr and Burton Academy Bulldogs Division I football championship team.

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. Morrissey and others,

By Senators Campion and Sears,

H.C.R. 201.

House concurrent resolution congratulating Robert Sausville on his 100th birthday.

By Reps. Yantachka and others,

By Senators Ashe, Baruth, Ingram, Lyons, Pearson and Sirotkin,

H.C.R. 204.

House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks boys' volleyball program on winning a fourth consecutive State championship.

By Reps. Yantachka and others,

By Senators Ashe, Baruth, Ingram, Lyons, Pearson and Sirotkin,

H.C.R. 205.

House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks State championship girls' volleyball team.

By Reps. Yantachka and others,

By Senators Ashe, Baruth, Ingram, Lyons, Pearson and Sirotkin,

H.C.R. 206.

House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks Division I boys' cross-country championship team.

By Reps. Yantachka and others,

By Senators Ashe, Baruth, Ingram, Lyons, Pearson and Sirotkin,

H.C.R. 207.

House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks Division I championship girls' cross-country team.

By Reps. Yantachka and others,

By Senators Ashe, Baruth, Ingram, Lyons, Pearson and Sirotkin,

H.C.R. 208.

House concurrent resolution congratulating the Champlain Valley Union High School Redhawks Division I boys' soccer program on winning a second consecutive Division I championship.

By Reps. Yantachka and others,

By Senators Ashe, Baruth, Ingram, Lyons, Pearson and Sirotkin,

H.C.R. 209.

House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks girls' soccer program on winning a third consecutive Division I championship.

By Reps. Yantachka and others,

By Senators Ashe, Baruth, Ingram, Lyons, Pearson and Sirotkin,

H.C.R. 210.

House concurrent resolution congratulating the Champlain Valley Union High School Redhawks on winning a second consecutive Division I boys' golf championship.

By Reps. Masland and others,

By Senators MacDonald, Clarkson, McCormack and Nitka,

H.C.R. 211.

House concurrent resolution in memory of former Representative Doris Mills (Lingelbach) Brettell.

By Reps. Beck and others,

By Senators Kitchel and Benning,

H.C.R. 212.

House concurrent resolution congratulating St. Johnsbury Academy Hilltoppers Takahiro Matsumoto and Owen Pakseubzin on winning the 2019 boys' tennis doubles State championship.

By Rep. Sullivan,

By Senators Campion and Sears,

H.C.R. 213.

House concurrent resolution honoring former Dorset Town Moderator Nathaniel Terry Tyler.

By Rep. Sullivan,

By Senators Campion and Sears,

H.C.R. 214.

House concurrent resolution in memory of Dorset civic leader John P. Stannard.

By Reps. Sibia and others,

H.C.R. 215.

House concurrent resolution in memory of former Representative Philip Edwin Bartlett of Dover.

By Reps. Sullivan and others,

By Senators Campion and Sears,

H.C.R. 216.

House concurrent resolution in memory of David Huntington Nichols of Manchester.

By Rep. Nicoll,

By Senators Collamore, Hooker and McNeil,

H.C.R. 217.

House concurrent resolution in memory of former Senator Hull Platt Maynard Jr. of Shrewsbury.

By Rep. Nicoll,

By Senators Nitka, Clarkson and McCormack,

H.C.R. 218.

House concurrent resolution in memory of longtime Ludlow Selectboard Chair Howard Barton Jr..

By the Committee on Health Care,

H.C.R. 219.

House concurrent resolution designating Wednesday, January 29, 2020 as Mental Health Advocacy Day at the State House.

By Reps. Canfield and others,

By Senators Collamore, Hooker, McNeil, Bray and Hardy,

H.C.R. 220.

House concurrent resolution congratulating the 2019 Fair Haven Union High School Slaters Division II championship baseball team.

By Reps. Potter and Burditt,

By Senators Collamore, Hooker and McNeil,

H.C.R. 221.

House concurrent resolution congratulating the 2019 Proctor High School Lady Phantoms Division IV girls' soccer championship team.

By Reps. Toll and Partridge,

By Senators Cummings, Perchlik, Pollina and Starr,

H.C.R. 222.

House concurrent resolution congratulating Morgan and Jennifer Churchill on Wonder Why Farm's designation as the 2019 Dairy Farm of the Year.

By Rep. Sibia,

By Senators Balint and White,

H.C.R. 223.

House concurrent resolution congratulating Braiden Pearson as the Wardsboro grower of the largest Gilfeather Turnip for five consecutive years.

By Reps. Sibia and Gannon,

By Senators Balint and White,

H.C.R. 224.

House concurrent resolution congratulating Nancy Baker on her receipt of a 2019 Vermont Outstanding Teacher Award.

By Rep. Cordes,

H.C.R. 225.

House concurrent resolution recognizing Nurse Anesthetists.

By Reps. Jessup and Ancel,

By Senators Cummings, Perchlik and Pollina,

H.C.R. 226.

House concurrent resolution in memory of East Montpelier firefighting veteran William Howard George Jr.

Message from the House No. 8

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 titles:

H. 760. An act relating to fiscal year 2020 budget adjustments.

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

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

H. 107. An act relating to paid family and medical leave.

And has adopted the same on its part.

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

H.C.R. 201. House concurrent resolution congratulating Robert Sausville on his 100th birthday.

H.C.R. 204. House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks boys' volleyball program on winning a fourth consecutive State championship.

H.C.R. 205. House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks State championship girls' volleyball team.

H.C.R. 206. House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks Division I boys' cross-country championship team.

H.C.R. 207. House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks Division I championship girls' cross-country team.

H.C.R. 208. House concurrent resolution congratulating the Champlain Valley Union High School Redhawks Division I boys' soccer program on winning a second consecutive Division I championship.

H.C.R. 209. House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks girls' soccer program on winning a third consecutive Division I championship.

H.C.R. 210. House concurrent resolution congratulating the Champlain Valley Union High School Redhawks on winning a second consecutive Division I boys' golf championship.

H.C.R. 211. House concurrent resolution in memory of former Representative Doris Mills (Lingelbach) Brettell.

H.C.R. 212. House concurrent resolution congratulating St. Johnsbury Academy Hilltoppers Takahiro Matsumoto and Owen Pakseubzin on winning the 2019 boys' tennis doubles State championship.

H.C.R. 213. House concurrent resolution honoring former Dorset Town Moderator Nathaniel Terry Tyler.

H.C.R. 214. House concurrent resolution in memory of Dorset civic leader John P. Stannard.

H.C.R. 215. House concurrent resolution in memory of former Representative Philip Edwin Bartlett of Dover.

H.C.R. 216. House concurrent resolution in memory of David Huntington Nichols of Manchester.

H.C.R. 217. House concurrent resolution in memory of former Senator Hull Platt Maynard Jr. of Shrewsbury.

H.C.R. 218. House concurrent resolution in memory of longtime Ludlow Selectboard Chair Howard Barton Jr.

H.C.R. 219. House concurrent resolution designating Wednesday, January 29, 2020 as Mental Health Advocacy Day at the State House.

H.C.R. 220. House concurrent resolution congratulating the 2019 Fair Haven Union High School Slaters Division II championship baseball team.

H.C.R. 221. House concurrent resolution congratulating the 2019 Proctor High School Lady Phantoms Division IV girls' soccer championship team.

H.C.R. 222. House concurrent resolution congratulating Morgan and Jennifer Churchill on Wonder Why Farm's designation as the 2019 Dairy Farm of the Year.

H.C.R. 223. House concurrent resolution congratulating Braiden Pearson as the Wardsboro grower of the largest Gilfeather Turnip for five consecutive years.

H.C.R. 224. House concurrent resolution congratulating Nancy Baker on her receipt of a 2019 Vermont Outstanding Teacher Award.

H.C.R. 225. House concurrent resolution recognizing Nurse Anesthetists.

H.C.R. 226. House concurrent resolution in memory of East Montpelier firefighting veteran William Howard George Jr.

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

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

S.C.R. 17. Senate concurrent resolution congratulating the 2019 Burr and Burton Academy Bulldogs Division I football championship team.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, January 28, 2020, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 34.

TUESDAY, JANUARY 28, 2020

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Rabbi Tobie Weisman of Montpelier.

Pledge of Allegiance

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

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 36.

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. 36. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 31, 2020, it be to meet again no later than Tuesday, February 4, 2020.

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. 335.

By the Committee on Education,

An act relating to universal access to afterschool programs.

Bill Referred

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

H. 760.

An act relating to fiscal year 2020 budget adjustments.

To the Committee on Appropriations.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 29, 2020.

WEDNESDAY, JANUARY 29, 2020

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Donavee Copenhaver of Richford.

Message from the House No. 9

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. 23. An act relating to increasing the minimum wage.

And has adopted the same on its part.

Rules Suspended; Bill Not Referred to Committee Finance**H. 760**

Appearing on the Calendar for notice, and, pending referral of the bill to the Committee on Finance pursuant to Senate Rule 31, Senator Ashe moved that the rules be suspended and the House bill entitled:

An act relating to fiscal year 2020 budget adjustments.

Not be referred to the Committee on Finance pursuant to Senate Rule 31 (and thereby remain on the Calendar for notice),

Which was agreed to.

Bill Referred to Committee on Appropriations**S. 335.**

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

An act relating to universal access to afterschool programs.

Bill Amended; Third Reading Ordered**S. 255.**

Senator Cummings, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to captive insurance.

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

* * * Agency Captives * * *

Sec. 1. 8 V.S.A. § 6002 is amended to read:

§ 6002. LICENSING; AUTHORITY

(a) Any captive insurance company, when permitted by its articles of association, charter, or other organizational document, may apply to the Commissioner for a license to do any and all insurance comprised in subdivisions 3301(a)(1), (2), (3)(A)–(C), (E)–(Q), and (4)–(9) of this title and may grant annuity contracts as defined in section 3717 of this title; provided, however, that:

(1) No pure captive insurance company may insure any risks other than those of its parent and affiliated companies or controlled unaffiliated business.

(2) No agency captive insurance company may do any insurance business in this State unless:

(A) an insurance agency or brokerage that owns or controls the agency captive insurance company remains in regulatory good standing in all states in which it is licensed;

(B) it insures only the risks of the commercial policies that are placed by or through an insurance agency or brokerage that owns or directly or indirectly controls the agency captive insurance company and, if required by the Commissioner in his or her discretion, it provides the Commissioner the form of such commercial policies;

(C) it discloses to the original policyholder or policyholders, in a form or manner approved by the Commissioner, ~~any limitations, rights, and obligations held by~~ that the agency captive insurance company as a result of its affiliation with an insurance agency or brokerage may enter into a reinsurance or other risk-sharing agreement with the agency or brokerage; and

* * *

* * * Dormant Captives * * *

Sec. 2. 8 V.S.A. § 6024 is amended to read:

§ 6024. DORMANT CAPTIVE INSURANCE COMPANIES

(a) As used in this section, unless the context requires otherwise, “dormant captive insurance company” means a captive insurance company that has:

(1) ceased transacting the business of insurance, including the issuance of insurance policies; and

(2) no remaining liabilities associated with insurance business transactions or insurance policies issued prior to the filing of its application for a certificate of dormancy under this section.

(b) A captive insurance company domiciled in Vermont that meets the criteria of subsection (a) of this section may apply to the Commissioner for a certificate of dormancy. The certificate of dormancy shall be subject to renewal every five years and shall be forfeited if not renewed within such time.

(c) A dormant captive insurance company that has been issued a certificate of dormancy shall:

(1) possess and thereafter maintain unimpaired, paid-in capital and surplus of not less than \$25,000.00; provided, however, that if the dormant

captive insurance company had never capitalized, it shall not be required to add capital upon entering dormancy;

* * *

* * * Sponsored Captives; Capitalization * * *

Sec. 3. 8 V.S.A. § 6004 is amended to read:

§ 6004. MINIMUM CAPITAL AND SURPLUS; LETTER OF CREDIT

(a) No captive insurance company shall be issued a license unless it shall possess and thereafter maintain unimpaired paid-in capital and surplus of:

* * *

(6) in the case of a sponsored captive insurance company, not less than ~~\$250,000.00~~ \$100,000.00.

* * *

* * * Protected Cells; Unaffiliated Businesses * * *

Sec. 4. 8 V.S.A. § 6034 is amended to read:

§ 6034. PROTECTED CELLS

A sponsored captive insurance company formed or licensed under the provisions of this chapter may establish and maintain one or more protected cells to insure risks of one or more participants or, subject to Commissioner approval, other parties unaffiliated with a participant, subject to the following conditions:

* * *

* * * Protected Cells; Separate Accounts * * *

Sec. 5. REDESIGNATION

8 V.S.A. § 6034b, § 6034c, and § 6034d are redesignated as § 6034c, § 6034d, and § 6034e.

Sec. 6. 8 V.S.A. § 6034b is added to read:

§ 6034b. SEPARATE ACCOUNTS OF PROTECTED CELLS

With the Commissioner's prior written approval, a protected cell of a sponsored captive insurance company may establish one or more separate accounts and may allocate to them amounts to provide for the insurance of risks of one or more participants, or controlled unaffiliated business of such participant or participants, subject to the following:

(1) The income, gains, and losses, realized or unrealized, from assets allocated to a separate account shall be credited to or charged against the account, without regard to other income, gains, or losses of the protected cell.

(2) Amounts allocated to a separate account in the exercise of the power granted by this subsection are owned by the protected cell, and the protected cell may not be nor hold itself out to be a trustee with respect to such amounts.

(3) Unless otherwise approved by the Commissioner, assets allocated to a protected cell shall be valued in accordance with the rules otherwise applicable to the protected cell's assets.

(4) If and to the extent so provided under the applicable contracts, that portion of the assets of any such protected cell equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the protected cell may conduct.

(5) No sale, exchange, or other transfer of assets may be made by such protected cell between any of its separate accounts or between any other investment account and one or more of its separate accounts unless, in the case of a transfer into a separate account, such transfer is made solely to establish the account or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a separate account, is made by a transfer of cash or by a transfer of securities having a readily determinable market value, provided that such transfer of securities is approved by the Commissioner. The Commissioner may approve other transfers among such accounts if, in his or her opinion, such transfers would be equitable.

(6) To the extent such protected cell deems it necessary to comply with any applicable federal or State laws, such protected cell, with respect to any separate account, including any separate account that is a management investment company or a unit investment trust, may provide for persons having an interest therein appropriate voting and other rights and special procedures for the conduct of the business of such account, including special rights and procedures relating to investment policy, investment advisory services, selection of independent public accountants, and the selection of a committee, the members of which need not be otherwise affiliated with such protected cell, to manage the business of such account.

Sec. 7. 8 V.S.A. § 6010 is amended to read:

§ 6010. LEGAL INVESTMENTS

(a)(1) Except as may be otherwise authorized by the Commissioner, agency captive insurance companies, association captive insurance companies,

sponsored captive insurance companies, protected cells in sponsored captive insurance companies, and risk retention groups shall:

(A) comply with the investment requirements contained in sections 3461 through 3472 of this title, as applicable; or

(B) submit for approval by the Commissioner the investment policy of the company. In reviewing the investment policy, the Commissioner shall consider diversification as to both type and issue; limits on the aggregate investment that may be made in any category of investment; limits on the aggregate investment in any one business, issuer, or risk; liquidity; and matching of assets and liabilities. The Commissioner shall determine whether the investment policy provides for the reasonable preservation, administration, and management of assets with respect to the risks associated with the company's transactions and whether the investment policy supports the approved business plan. Subdivision 6002(c)(3) of this title shall apply to all information submitted pursuant to this subsection.

(2) The Commissioner may require any company subject to this subsection to limit or withdraw from certain investments or discontinue certain investment practices if the Commissioner determines that such investments or practices of the company might be hazardous to the policyholders or the general public.

Sec. 8. 8 V.S.A. § 6037 is amended to read:

§ 6037. INVESTMENTS BY SPONSORED CAPTIVE INSURANCE
COMPANIES AND PROTECTED CELLS

Notwithstanding the provisions of section 6034 of this title, the assets of two or more protected cells may be combined for purposes of investment, and such combination shall not be construed as defeating the segregation of such assets for accounting or other purposes. Sponsored captive insurance companies and protected cells shall comply with the investment requirements contained in ~~sections 3461 through 3472~~ section 6010 of this title, ~~as applicable; provided, however, that compliance with such investment requirements shall be waived for sponsored captive insurance companies to the extent that credit for reinsurance ceded to reinsurers is allowed pursuant to section 6011 of this title or to the extent otherwise deemed reasonable and appropriate by the Commissioner. Section 3463a of this title shall apply to sponsored captive insurance companies except to the extent it is inconsistent with approved accounting standards in use by the company. Notwithstanding any other provision of this title, the Commissioner may approve the use of alternative reliable methods of valuation and rating.~~

* * * Conforming Cross-references * * *

Sec. 9. 8 V.S.A. § 6018 is amended to read:

§ 6018. DELINQUENCY

Except as otherwise provided in this chapter, the terms and conditions set forth in chapter 145 of this title shall apply in full to captive insurance companies formed or licensed under this chapter; however, the assets of a separate account established under subsection 6006~~(p)~~(q) of this chapter shall not be used to pay any expenses or claims other than those attributable to such separate account.

Sec. 10. 8 V.S.A. § 6034a is amended to read:

§ 6034a. INCORPORATED PROTECTED CELLS

(a) A protected cell of a sponsored captive insurance company may be formed as an incorporated protected cell, as defined in subdivision 6032~~(1)~~(2) of this title.

* * *

* * * Risk Retention Groups; Examinations; Conduct; Reports; NAIC
Accreditation Standards * * *

Sec. 11. 8 V.S.A. § 6052(d) is amended to read:

(d) The provisions of subsection 6008(c) and sections 3573 and 3574 of this title shall apply to risk retention groups chartered in this State, except that such provisions shall not apply to final examination reports relating to risk retention groups and except that the Commissioner may, in the Commissioner's discretion, grant access to any other examination information covered by subsection 6008(c) of this title to representatives of the National Association of Insurance Commissioners to inspect (but not copy) such information in connection with accreditation examinations, so long as the National Association of Insurance Commissioners agrees in writing to maintain the confidentiality of such information.

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

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

Joint Resolution Adopted on the Part of the Senate**J.R.S. 35.**

Joint Senate resolution entitled:

Joint resolution condemning the continuing occurrence of street harassment in Vermont.

Having been placed on the Calendar for action, was taken up and adopted on the part of the Senate.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, January 30, 2020.

THURSDAY, JANUARY 30, 2020

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Peter Plagge of Waterbury.

**Message from the Governor
Appointments Referred**

A message was received from the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

The nomination of

Kimel, David of St. Albans - Director of the Vermont Municipal Bond Bank - from January 31, 2020 to January 31, 2022.

To the Committee on Finance.

The nomination of

Winters, Deborah of Swanton - Director of the Vermont Municipal Bond Bank - from January 31, 2020 to January 31, 2022.

To the Committee on Finance.

The nomination of

Shouldice, Heather of Montpelier - Member of the Capitol Complex Commission - from January 1, 2020 to February 28, 2023.

To the Committee on Institutions.

The nomination of

Hayward, Susan of Middlesex - Member of the Capitol Complex Commission - from January 1, 2020 to February 28, 2023.

To the Committee on Institutions.

Bill Passed

S. 255.

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

An act relating to captive insurance.

Proposals of Amendment; Third Reading Ordered

H. 760.

Senator Kitchel, for the Committee on Appropriations, to which was referred House bill entitled:

An act relating to fiscal year 2020 budget adjustments.

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

First: By striking out Secs. 12, 14, and 34 in their entirety and inserting in lieu thereof new Secs. 12, 14, and 34 to read as follows:

Sec. 12. 2019 Acts and Resolves No. 72, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Operating expenses	3,150,212	3,150,212
Grants	<u>1,631,994,544</u>	<u>1,630,119,013</u>
Total	<u>1,635,144,756</u>	<u>1,633,269,225</u>
Source of funds		
General fund	<u>562,258,602</u>	<u>557,208,815</u>
Special funds	34,969,169	34,969,169
Tobacco fund	21,049,373	21,049,373
State health care resources fund	<u>16,915,501</u>	<u>21,101,110</u>
Federal funds	<u>984,584,332</u>	<u>983,572,979</u>
Interdepartmental transfers	<u>15,367,779</u>	<u>15,367,779</u>
Total	<u>1,635,144,756</u>	<u>1,633,269,225</u>

Sec. 14. 2019 Acts and Resolves No. 72, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	<u>134,603,806</u>	<u>140,308,825</u>
Operating expenses	29,905,859	29,905,859

Grants	<u>7,314,723</u>	<u>6,764,723</u>
Total	171,824,388	176,979,407
Source of funds		
General fund	<u>29,222,317</u>	<u>32,242,529</u>
Special funds	<u>6,096,108</u>	<u>6,096,108</u>
Federal funds	<u>124,749,165</u>	<u>124,749,165</u>
Global Commitment fund	<u>4,214,196</u>	<u>9,369,215</u>
Interdepartmental transfers	<u>7,542,602</u>	<u>4,522,390</u>
Total	171,824,388	176,979,407

Sec. 34. 2019 Acts and Resolves No. 72, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds		
General fund	<u>997,706,686</u>	<u>1,007,088,907</u>
Special funds	<u>123,880,549</u>	<u>123,986,513</u>
Tobacco fund	<u>23,088,208</u>	<u>23,088,208</u>
State health care resources fund	<u>16,915,501</u>	<u>21,101,110</u>
Federal funds	<u>1,420,544,308</u>	<u>1,422,626,911</u>
Global Commitment fund	<u>1,590,055,367</u>	<u>1,374,334,713</u>
Internal service funds	<u>2,035,610</u>	<u>2,035,610</u>
Interdepartmental transfers	<u>39,446,402</u>	<u>36,346,190</u>
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	4,213,697,631	4,010,633,162

Second: In Sec. 45, by striking out subdivision (c)(1) in its entirety and inserting in lieu thereof a new subdivision (c)(1) to read as follows:

(1) The following amounts shall revert to the General Funds Fund from the accounts indicated:

<u>1130030000</u>	<u>Department of Libraries</u>	<u>106,000.00</u>
<u>1210001000</u>	<u>Legislative Council</u>	<u>75,000.00</u>
<u>1210002000</u>	<u>Legislature</u>	<u>175,000.00</u>
<u>1210891801</u>	<u>Working Group Expenses</u>	<u>7,704.00</u>
<u>1220000000</u>	<u>Joint Fiscal Office</u>	<u>30,000.00</u>
<u>1240001000</u>	<u>Lieutenant Governor</u>	<u>1,555.54</u>
<u>2130100000</u>	<u>State's Attorneys</u>	<u>116,991.45</u>
<u>2130200000</u>	<u>Sheriffs</u>	<u>354,968.67</u>
<u>2130400000</u>	<u>Special investigative unit</u>	<u>2,603.49</u>
<u>2170010000</u>	<u>Criminal Justice Training Council</u>	<u>6,772.00</u>
<u>3300010000</u>	<u>Vermont Veterans' Home</u>	<u>50,000.00</u>
<u>3310000000</u>	<u>Commission on Women</u>	<u>1,732.18</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>80,674.56</u>

<u>1260891402</u>	<u>Public Retirement Plan Study</u>	<u>1,159.71</u>
<u>2240891101</u>	<u>Case Mgmt Syst-docket files</u>	<u>3,777.50</u>
<u>5100891904</u>	<u>Staff to Student Task Force</u>	<u>7,320.00</u>

And by striking out subsection (f) in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

(f) The following General Fund amount shall be reserved in fiscal year 2020 for fiscal year 2021 budget expenditures: \$18,365,715. These funds shall be unreserved in fiscal year 2021.

Third: In Sec. 49 by inserting a new subsection (d) to read as follows:

(d) In fiscal year 2020, the sum of \$25,000 is appropriated to the Secretary of Administration to support initial planning and expenses of the Vermont 250th Commission to be formed to coordinate commemorative celebrations statewide for the 250th anniversary of various historic events and battles leading to our declaration as an independent State (this period is currently referred to as the Vermont Republic).

Fourth: By striking out Sec. 52 in its entirety and inserting in lieu thereof a new Sec. 52 to read as follows:

Sec. 52. 16 V.S.A. § 2857 amended to read:

§ 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

(a) Program creation. The Vermont National Guard Tuition Benefit Program (Program) is created, under which a member of the Vermont National Guard (member) who meets the eligibility requirements in subsection (c) of this section is entitled to the following tuition benefit for up to full-time attendance:

(1) For courses at either campus of the Northern Vermont University (NVU), the Vermont Technical College (VTC), the University of Vermont and State Agricultural College (UVM), or at the Community College of Vermont (CCV), the benefit shall be the in-state residence tuition rate for the relevant institution.

(2) For courses at a Vermont State College, other than NVU, VTC, or CCV, or at any eligible Vermont private postsecondary institution, the benefit shall be the in-state tuition rate charged by NVU.

(3) For courses at an eligible training institution offering nondegree, certificate training, or continuing education programs, the benefit shall be the lower of the institution's standard tuition or the in-state tuition rate charged by NVU.

* * *

Fifth: By striking out Sec. 54 in its entirety and inserting in lieu thereof a new Sec. 54 to read as follows:

Sec. 54. CALENDAR YEAR 2020 DELIVERY SYSTEM REFORM
INVESTMENT COORDINATION

(a) In order to ensure coordination of funding and the strategic alignment of resources for delivery system-reform (DSR) related investments in calendar year 2020, the Agency of Human Services shall ensure that DSR projects recommended for funding are consistent with the criteria defined in Attachment I (Menu of Approvable Delivery System Investments) of the Global Commitment for Health Section 1115 Demonstration. At a minimum, the Agency shall apply the metrics for evaluation as prescribed in Attachments I and J (Investment Application Template) of the Global Commitment for Health Section 1115 Demonstration and may also consider additional metrics that align with the Vermont All-Payer Accountable Care Organization Model Agreement's three population health and health outcomes targets. In addition, the Agency shall require the Accountable Care Organization and DSR investment recipients to evaluate each project to determine whether it should be scaled or sunset, based on its performance against established metrics. All DSR investment projects to support implementation of Vermont's All-Payer Accountable Care Organization (ACO) model shall be designed and prioritized in partnership with the Agency and with the relevant departments within the Agency and funding shall be dependent on the approval of the Agency and relevant departments.

Sixth: By striking out Sec. 70 in its entirety and inserting two new sections to be numbered Secs. 70 and 71 to read as follows:

Sec. 70. 2019 Acts and Resolves No. 58, Sec. 5, is amended to read:

Sec. 5. CREATION OF NEW CORRECTIONAL OFFICER POSITIONS

~~On or before June 30, 2020, the Secretary of Administration shall create 30 new Correctional Officer I positions in the Department of Corrections, which shall be funded within existing departmental appropriations.~~

(a) The establishment of the following permanent classified positions is authorized in fiscal year 2020:

(1) In the Department of Corrections – fifteen (15) Correctional Officer I.

(b) Notwithstanding any other provision of law, through December 31, 2021, no vacant Correctional Officer I positions shall be reassigned to the Department of Human Resources State position pool.

(c) The Agency of Human Services and the Department of Corrections shall report to the Legislative Joint Justice Oversight and Joint Fiscal Committees at their respective meetings in November 2020 on the status of correctional facility staff recruitment, retention and reduction in the use of overtime, and the status of initial and ongoing training for correctional facility staff.

Sec. 71. EFFECTIVE DATES

(a) This act shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 52 (National Guard tuition benefit program) shall take effect on passage and shall apply retroactively to July 1, 2019.

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.

**Report of Committee of Conference Accepted and Adopted on the Part of
the Senate**

S. 23.

Senator Sirotkin, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill entitled:

An act relating to increasing the minimum wage.

Respectfully reports that it has met and considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 384(a) is amended to read:

(a)(1) An employer shall not employ any employee at a rate of less than \$9.15. Beginning on January 1, 2016, an employer shall not employ any employee at a rate of less than \$9.60. Beginning on January 1, 2017, an employer shall not employ any employee at a rate of less than \$10.00. Beginning on January 1, 2018, an employer shall not employ any employee at a rate of less than \$10.50, and beginning \$10.96. Beginning on January 1, 2019 January 1, 2021, an employer shall not employ any employee at a rate of

less than \$11.75. Beginning on January 1, 2022, an employer shall not employ any employee at a rate of less than \$12.55, and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01.

(2) An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than one-half the minimum wage. As used in this subsection, “a service or tipped employee” means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service.

(3) If the minimum wage rate established by the U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the U.S. government.

Sec. 2. TIPPED AND STUDENT MINIMUM WAGE STUDY; REPORT

On or before January 15, 2021, the Office of Legislative Council and the Joint Fiscal Office shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the potential effects of altering or eliminating the basic wage rate for tipped employees in Vermont and of eliminating the subminimum wage for secondary school students during the school year. In particular, the report shall:

(1) for states that have eliminated their tipped minimum wage, examine available research and information regarding the impact on:

(A) jobs, prices, and the state economy; and

(B) the welfare of tipped workers, women, and working families with children;

(2) for states that have increased their tipped wage during the last 10 years, examine available research and information regarding the impact on:

(A) jobs, prices, and the state economy; and

(B) the welfare of tipped workers, women, and working families with children;

(3) for states that have decoupled their tipped wage from the standard minimum wage during the last 10 years, examine available research and information regarding the impact on:

(A) jobs, prices, and the state economy; and

(B) the welfare of tipped workers, women, and working families with children;

(4) examine any available research and information regarding the projected impact in Vermont of altering or eliminating the basic wage rate for tipped employees on:

(A) jobs, prices, and the State economy; and

(B) the welfare of tipped workers, women, and working families with children;

(5) for states that have eliminated a subminimum wage for secondary school students, examine available research and information regarding the impact on:

(A) jobs, prices, and the state economy; and

(B) the welfare of individuals under 22 years of age; and

(6) for Vermont, examine available research and information regarding the projected impact in Vermont of eliminating the subminimum wage for secondary school students on:

(A) jobs, prices, and the State economy; and

(B) the welfare of individuals under 22 years of age.

Sec. 3. WAGE AND HOUR LAWS FOR AGRICULTURAL WORKERS; REPORT

On or before January 15, 2021, the Office of Legislative Council shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the wage and hour laws for agricultural workers. In particular, the report shall:

(1) examine the overlapping legal requirements of Vermont's wage and hour laws, the federal Fair Labor Standards Act, and other federal employment laws with respect to agricultural employees and employers; and

(2) summarize how other states' wage and hour laws address agricultural employees and employers.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

*MICHAEL D. SIROTKIN
ALISON CLARKSON
REBECCA A. BALINT*

Committee on the part of the Senate

*THOMAS S. STEVENS
JOHN R KILLACKY
MARY S. HOOPER*

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative on a roll call, Yeas 23, Nays 6.

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, Campion, Clarkson, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, McCormack, Nitka, Pearson, Perchlik, Pollina, Sears, Sirotkin, Starr, Westman, White.

Those Senators who voted in the negative were: Benning, Brock, Collamore, Mazza, McNeil, Parent.

The Senator absent and not voting was: Rodgers.

Adjournment

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

FRIDAY, JANUARY 31, 2020

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 10

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its First 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. 606. An act relating to regulating storage units.

In the passage 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. 36. 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. 143. An act relating to appointing town agents.

And has severally concurred therein.

Message from the House No. 11

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 adopted House concurrent resolutions of the following titles:

H.C.R. 227. House concurrent resolution congratulating the St. Johnsbury Academy Hilltoppers girls' track and field team on winning a fourth consecutive Division I championship.

H.C.R. 228. House concurrent resolution honoring the Rev. Dr. Lise Sparrow for her inspiring academic, community, and religious leadership in Windham County.

H.C.R. 229. House concurrent resolution congratulating the Williston Federated Church on its 150th anniversary.

H.C.R. 230. House concurrent resolution honoring Zoe Hardy for her outstanding leadership at Age Well Vermont.

H.C.R. 231. House concurrent resolution in memory of Bonnie L. Burke of Dorset.

H.C.R. 232. House concurrent resolution honoring Nancy Heydinger for her visionary leadership of Girls on the Run.

H.C.R. 233. House concurrent resolution congratulating Vermont's Free & Referral Clinics on its 25th anniversary.

H.C.R. 234. House concurrent resolution honoring Herb Meyer for his community leadership in the towns of Guilford and Vernon.

H.C.R. 235. House concurrent resolution congratulating the 2019 Black River High School Presidents Division IV championship baseball team.

H.C.R. 236. House concurrent resolution in memory of Preservation Trust of Vermont Executive Director Paul Alan Bruhn.

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

Bill Referred to Committee on Appropriations

H. 550.

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 unclaimed property.

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. 336.

By the Committee on Agriculture,

An act relating to establishing standards for the sale of hemp seed.

Bill Referred

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

H. 606.

An act relating to regulating storage units.

To the Committee on Economic Development, Housing and General Affairs.

Proposal of Amendment; Bill Passed in Concurrence with Proposals of Amendment

H. 760.

House bill entitled:

An act relating to fiscal year 2020 budget adjustments.

Was taken up.

Thereupon, pending third reading of the bill, Senators Sears, Kitchel, Nitka, Starr, McCormack, Westman and Ashe moved to amend the Senate proposal of amendment by adding Sec. 70a, to read as follows:

Sec. 70a. DEPARTMENT OF CORRECTIONS; GRADUATED
SANCTIONS; REENTRY HOUSING; REPORT

(a) The Department of Corrections shall review and strengthen existing graduated sanctions and incentives policies to ensure they reflect current research on best practices for responses to violation behavior that most effectively achieve behavior change and uphold public safety. The Department shall also identify reentry housing needs for corrections populations. As a part of this work, the Department shall:

(1) formalize the use of incentives and sanctions in supervision practices at a 4:1 ratio and require incentives to be entered and tracked in the community supervision case management system;

(2) analyze how supervision staff currently understand, implement, and input data regarding the Department's graduated sanctions policy to identify where practices differ across the State and, where necessary, provide additional staff training on the use and tracking of graduated sanctions;

(3) develop and implement a homeless screening tool for use when a person is booked into or released from Department facilities and track reports of homelessness among corrections populations in the Department's case management system;

(4) identify and quantify high utilizers of corrections, homeless, and behavioral health services; inform statewide permanent supportive housing planning; and establish data match partnerships with appropriate Agency of Human Services departments to match Department of Corrections, Homeless Management Information System (HMIS), and Medicaid information;

(5) explore establishing a collaborative approach for the Department, the Department of Mental Health, and the Vermont Department of Health to contract with housing providers to coordinate responses for shared clients and identify how the State can better leverage local and federal housing vouchers;

(6) explore how the Department's contractors could leverage federal Medicaid funding or other funding to allow the Department's contractors' clients to stay in supportive housing after they are no longer under the supervision of the Department;

(7) reduce barriers to recovery housing by establishing evidence-based norms and expectations for contracts and certifications for sober and recovery housing providers, including allowing for the use of medications and restricting evictions due to relapse; and

(8) explore opportunities to redefine housing requirements for incarcerated persons in order to receive approval for furlough release.

(b) On or before April 1, 2020, the Department shall report to the Senate Committee on Judiciary, the House Committee on Corrections and Institutions, and the House and Senate Committees on Appropriations on:

(1) the Department's plan to reduce its use of short-term incarceration sanctions for people on furlough, the number of short-term incarceration sanctions imposed, and the number of graduated sanctions imposed;

(2) recommendations for funding in the fiscal year 2021 budget; and

(3) the Department's progress toward completing the remaining work required by this section.

Which was agreed to.

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

Third Reading Ordered

S. 326.

Senate committee bill entitled:

An act relating to the State Advisory Panel on Special Education.

Having appeared on the Calendar for notice for one day, was taken up.

Senator McCormack, for the Committee on Appropriations, to which the bill was referred reported that the bill ought to pass.

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; Bill Committed

Senator Starr moved that the rules be suspended and that Senate committee bill entitled: