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**FRIDAY, MAY 1, 2020**

Pursuant to Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the time for convening of the Senate having been set at 9:30 A.M., the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

**Recess**

At 9:45 A.M. in the forenoon and no quorum of the Senate having assembled, pursuant to Rule 9 of the Senate Rules, the Senate recessed until ten o'clock, and thirty minutes in the forenoon.

**Called to Order**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend and Senator Deborah J. Ingram of Chittenden District.

**Message from the House No. 40**

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

Mr. President:

I am directed to inform the Senate that:

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

**S. 182.** An act relating to government operations regarding emergency medical services and public safety in response to COVID-19.

And has passed the same in concurrence.

The Governor has informed the House that on April 29, 2020, he approved and signed bills originating in the House of the following titles:

**H. 550.** An act relating to unclaimed property.

**H. 741.** An act relating to criminal record checks on contractors working in State-owned or -leased facilities.

**Rules Suspended; Temporary Rule 10A(h)**

On motion of Senator Ashe, Senate Temporary Rule 10A(h) was suspended, on a roll call, pursuant to Temporary Rule 10A, Yeas 27, Nays 0.

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**Roll Call**

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

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

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

**Rules Suspended; Third Reading Ordered, Rules Suspended; Bill Passed;  
Bill Messaged**

**S. 346.**

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

An act relating to creating the COVID-19 Essential Employees Hazard Grant Program.

Was taken up for immediate consideration.

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

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

**Roll Call**

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

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

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

Thereupon, on motion of Senator Ashe, the rules were suspended and the bill was placed on all remaining stages of its passage forthwith.

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

Thereupon, on motion of Senator Ashe, the rules were suspended and the bill was ordered messaged to the House forthwith.

**Message from the House No. 41**

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

Mr. President:

I am directed to inform the Senate that:

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

**S. 333.** An act relating to establishing a moratorium on ejectment and foreclosure actions during the COVID-19 emergency.

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

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

**S. 344.** An act relating to temporary municipal tax rate provisions in response to COVID-19.

And has passed the same in concurrence.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until eleven o'clock and thirty minutes in the forenoon on Monday, May 4, 2020.

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**MONDAY, MAY 4, 2020**

Pursuant to Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the time for convening of the Senate having been set at 11:30 A.M., the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Adjournment**

At 11:45 A.M. in the forenoon and no quorum of the Senate having assembled, pursuant to Rule 9 of the Senate Rules, the Senate adjourned until nine o'clock and thirty minutes in the forenoon on Tuesday, May 5, 2020.

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**TUESDAY, MAY 5, 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.

**Rules Suspended; Temporary Rule 10A(h)**

On motion of Senator Ashe, Senate Temporary Rule 10A(h) was suspended, on a roll call, pursuant to Temporary Rule 10A, Yeas 27, Nays 0.

**Roll Call**

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

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

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

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 50.**

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. 50.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Thursday, May 7, 2020, or, Friday, May 8, 2020, it be to meet again no later than Tuesday, May 12, 2020.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 51.**

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

By Senator Nitka

**J.R.S. 51.** Joint resolution to postpone the Joint Assembly to vote on the retention of five Superior Judges and one Environmental Judge.

*Whereas*, the Joint Assembly to vote on the retention of five Superior Judges and one Environmental Judge pursuant to J.R.S. 49 was scheduled for Friday, April 24, 2020; and

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

*Whereas*, the COVID-19 pandemic requires the General Assembly, defer action on the retention of judges to a subsequent Joint Assembly, *now therefore be it*

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

That the two Houses meet in Joint Assembly on Thursday, May 21, 2020, at ten o'clock and thirty minutes in the forenoon to vote on the retention of five Superior Judges and one Environmental Judge. In case the vote to retain said Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

**House Proposals of Amendment Concurred In; Rules Suspended; Bill Delivered**

**S. 333.**

House proposal of amendment to Senate bill entitled:

An act relating to establishing a moratorium on ejectment and foreclosure actions during the COVID-19 emergency.

Were taken up.

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

In Sec. 1:

First: By striking out subdivision (a)(3) in its entirety and inserting in lieu thereof a new subdivision (a)(3) to read:

(3)(A) "Foreclosure" refers to a foreclosure action brought under 12 V.S.A. chapter 172 against a dwelling house, as defined in 12 V.S.A. § 4931(2), that is occupied.

(B) For purposes of this act, a dwelling house is deemed to be occupied unless all of the following are true:

(i) There are circumstances that would lead a reasonable person to believe that the dwelling house is not occupied as a full-time residence, including evidence that utilities are disconnected, mail is not being delivered, or the dwelling house is empty of necessary household furnishings.

(ii) The mortgage on the dwelling house is not current.

(iii) The mortgagee has made reasonable attempts to ascertain the mortgagor's residence and has a reasonable belief that the dwelling house is no longer the mortgagor's residence.

Second: In subdivision (a)(2) before the period by inserting , or under 10 V.S.A. chapter 153 against a mobile home park resident

Third: In subsection (d) following "During the emergency period," by inserting after the effective date of this act,

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

Thereupon, on motion of Senator Ashe, the rules were suspended and the bill was ordered delivered to the Governor forthwith.

### **Rules Suspended; Resolutions Messaged**

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

**J.R.S. 50, J.R.S. 51.**

### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until nine o'clock and thirty minutes in the forenoon on Thursday, May 7, 2020.

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### **THURSDAY, MAY 7, 2020**

Pursuant to Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the time for convening of the Senate having been set at 9:30 A.M., the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

### **Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Message from the House No. 42**

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 resolutions originating in the Senate of the following titles:

**J.R.S. 50.** Joint resolution relating to weekend adjournment.

**J.R.S. 51.** Joint resolution to postpone the Joint Assembly to vote on the retention of five Superior Judges and one Environmental Judge.

And has adopted the same in concurrence.

**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. 347.**

By the Committee on Judiciary,

An act relating to suspension of time frames for civil license suspension hearings for certain DUI offenses.

**Adjournment**

At 9:45 A.M. in the forenoon and no quorum of the Senate having assembled, pursuant to Rule 9 of the Senate Rules, the Senate adjourned until nine o'clock and thirty minutes, in the forenoon on Tuesday, May 12, 2020 pursuant to J.R.S. 50.

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**TUESDAY, MAY 12, 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.

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**Message from the House No. 43**

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 House bills of the following titles:

**H. 947.** An act relating to temporary municipal tax rate provisions in response to COVID-19.

**H. 950.** An act relating to allowing remote witnesses for advance directives for a limited time.

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

**Bills Referred**

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

**H. 947.**

An act relating to temporary municipal tax rate provisions in response to COVID-19.

To the Committee on Government Operations.

**H. 950.**

An act relating to allowing remote witnesses for advance directives for a limited time.

To the Committee on Health and Welfare.

**Rules Suspended; Temporary Rule 10A(h)**

On motion of Senator Ashe, Senate Temporary Rule 10A(h) was suspended, on a roll call, pursuant to Temporary Rule 10A, Yeas 29, Nays 0.

**Roll Call**

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

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

**The Senator absent and not voting was:** Starr.



**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 52.**

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. 52.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Thursday, May 14, 2020, or, Friday, May 15, 2020, it be to meet again no later than Tuesday, May 19, 2020.

**Senate Resolution Adopted**

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

By the Committee on Rules,

**S.R. 12.** Senate resolution relating to amending temporary Rule 10A of the Senate.

***Resolved by the Senate***

That Temporary Rule 10A is amended by striking out paragraph (h) in its entirety and inserting in lieu thereof a new paragraph (h) to read as follows:

(h) At the beginning of all sessions in which one or more Senators are participating remotely by electronic means a roll call of the Senators shall be taken.

**Rules Suspended; Third Reading Ordered, Rules Suspended; Bill Passed;  
Bill Messaged****S. 347.**

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

An act relating to suspension of time frames for civil license suspension hearings for certain DUI offenses.

Was taken up for immediate consideration.

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

Thereupon, on motion of Senator Ashe, the rules were suspended and the bill was placed on all remaining stages of its passage forthwith.

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

Thereupon, on motion of Senator Ashe, the rules were suspended and the bill was ordered messaged to the House forthwith.

**Committee Relieved of Further Consideration; Bill Committed**

**H. 795.**

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

An act relating to increasing hospital price transparency,  
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, May 14, 2020.

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**THURSDAY, MAY 14, 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. 44**

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. 948.** An act relating to temporary municipal proceedings provisions in response to the COVID-19 outbreak.

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. 52.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

### Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the fourteenth day of May 2020 he approved and signed bills originating in the Senate of the following titles:

**S. 182.** An act relating to government operations regarding emergency medical services and public safety in response to COVID-19.

**S. 333.** An act relating to establishing a moratorium on ejectment and foreclosure actions during the COVID-19 emergency.

**S. 344.** An act relating to temporary municipal tax rate provisions in response to COVID-19.

### Roll Call

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

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

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

### **Bill Referred**

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

#### **H. 948.**

An act relating to temporary municipal proceedings provisions in response to the COVID-19 outbreak.

To the Committee on Government Operations.

### **Bill Amended; Third Reading Ordered**

#### **S. 337.**

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

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

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

Sec. 1. ALLOWANCE OF THE USE OF ENERGY EFFICIENCY  
CHARGE FUNDS FOR GREENHOUSE GAS EMISSIONS  
REDUCTION PROGRAMS

(a) The electric resource acquisition budget for an entity appointed to provide electric energy efficiency and conservation programs and measures pursuant to 30 V.S.A. § 209(d)(2)(A) for the calendar years 2021–2023 shall be determined pursuant to 30 V.S.A. § 209(d)(3)(B). This section shall apply only if the entity’s total electric resource acquisition budget for 2021–2023 does not exceed the entity’s total electric resource acquisition budget for 2018–2020.

(b) Notwithstanding any provision of law or order of the Public Utility Commission (PUC) to the contrary, the PUC shall authorize an entity pursuant to subsection (a) of this section to spend a portion of its electric resource acquisition budget, in an amount to be determined by the PUC but not to exceed \$2,000,000.00 per year, on programs, measures, and services that reduce greenhouse gas emissions in the thermal energy or transportation sectors. Programs, measures, and services authorized pursuant to subsection (a) of this section shall:

(1) Reduce greenhouse gas emissions in the thermal energy or transportation sectors, or both.

(2) Have a nexus with electricity usage.

(3) Be additive and complementary to and shall not replace or be in competition with electric utility energy transformation projects pursuant to 30 V.S.A. § 8005(a)(3) such that they result in the largest possible greenhouse gas emissions reductions in a cost-effective manner.

(4) Be proposed after the entity consults with any relevant State agency or department and shall not be duplicative or in competition with programs delivered by that agency or department.

(5) Be delivered on a statewide basis. However, if any of these funds are used for services specific to a retail electricity provider, the funds used for services to each retail electricity provider for the calendar years 2021–2023 shall be reasonably proportionate to the energy efficiency charge collected in that territory.

(c) An entity that is approved to provide a program, measure, or service pursuant to this section shall provide the program, measure, or service in cooperation with a retail electricity provider.

(1) The entity shall not claim any savings and reductions in fossil fuel consumption and in greenhouse gas emissions by the customers of the retail electricity provider resulting from the program, measure, or service if the provider elects to offer the program, measure, or service pursuant to 30 V.S.A. § 8005(a)(3) unless the entity and provider agree upon how savings and reductions should be accounted for, apportioned, and claimed.

(2) The PUC shall develop standards and methods to appropriately measure the effectiveness of the programs, measures, and services in relation to the entity's Demand Resources Plan proceeding.

(d) Any funds spent on programs, measures, and services pursuant to this section shall not be counted towards the calculation of funds used by a retail electricity provider for energy transformation projects pursuant to 30 V.S.A.

§ 8005(a)(3) and the calculation of project costs pursuant to 30 V.S.A. § 8005(a)(3)(C)(iv).

(e) On or before April 30, 2021 and every April 30 for three years thereafter, the PUC shall submit a written report to the House Committee on Energy and Technology and the Senate Committees on Natural Resources and Energy and on Finance concerning any programs, measures, and services approved pursuant to this section.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage and shall be repealed as of April 30, 2024.

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 on a roll call, Yeas, 27, Nays 1.

Senator McCormack 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, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Sears, Sirotkin, Starr, Westman, White.

**The Senator who voted in the negative was:** Brock.

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

### **Bill Passed**

#### **S. 226.**

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

An act relating to statewide public school employee health benefits.

### **Bill Amended; Third Reading Ordered**

#### **S. 185.**

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

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

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

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\* \* \* Climate Change Response Plan \* \* \*

Sec. 1. 18 V.S.A. chapter 35 is added to read:

CHAPTER 35. PUBLIC HEALTH RESPONSE TO CLIMATE CHANGE

§ 1711. CLIMATE CHANGE RESPONSE PLAN

The Department of Health, in collaboration with the Chief Prevention Officer established pursuant to 3 V.S.A. § 2321, shall develop and adopt a statewide climate change response plan to foster resilience to the impacts of climate change in Vermont.

(1) Using a public health model, the Department's response plan shall seek to prevent and mitigate public health risks caused by climate change in Vermont, with particular attention shown to vulnerable populations, including:

- (A) infants and young children;
- (B) elders;
- (C) persons with physical disabilities;
- (D) persons with a chronic or existing medical condition;
- (E) persons with low income;
- (F) persons who are homeless or lack access to transportation;
- (G) persons living in flood plains; and
- (H) persons whose employment occurs primarily outdoors.

(2) The response plan shall provide actionable strategies specific to both rural and urban communities in the State, including specific strategies that address:

- (A) mental health;
- (B) vector-borne diseases;
- (C) waterborne and foodborne diseases;
- (D) hot weather;
- (E) cyanobacteria;
- (F) extreme storm events; and
- (G) air pollution and pollen.

§ 1712. CLIMATE CHANGE RESPONSE COMMUNICATION

The Department of Health, in coordination with the regional planning commissions, regional emergency management providers, and the Citizens

Assistance Registry for Emergencies, shall develop a plan and communicate with both Vermont communities and each other for the purpose of mitigating and responding to climate change related public health risks in Vermont.

Sec. 2. REPORT; CLIMATE CHANGE RESPONSE PLAN

On or before July 1, 2021, the Department of Health shall submit the climate change response plan adopted pursuant to 18 V.S.A. § 1711 to the House Committees on Health Care and on Human Services and to the Senate Committee on Health and Welfare.

\* \* \* Regional Planning Commission Involvement in Identifying  
Health Care-Related Needs \* \* \*

Sec. 3. 24 V.S.A. § 4345a is amended to read:

§ 4345a. DUTIES OF REGIONAL PLANNING COMMISSIONS

A regional planning commission created under this chapter shall:

\* \* \*

(21) Consult with and assist hospitals licensed pursuant to 18 V.S.A. chapter 43 regarding the development of health needs assessments and other initiatives as needed in accordance with 18 V.S.A. § 9405a.

(22) Consult with and assist the Agency of Human Services, Department of Health, and Vermont Emergency Management to incorporate public health and safety concerns related to climate change into State and local emergency and hazard mitigation, response, and recovery plans.

Sec. 4. 18 V.S.A. § 9405a is amended to read:

§ 9405a. PUBLIC PARTICIPATION AND STRATEGIC PLANNING

(a) Each hospital shall have a protocol for meaningful public participation in its strategic planning process for identifying and addressing health care needs that the hospital provides or could provide in its service area. Regional planning commissions shall be available for consultation and assistance pursuant to 24 V.S.A. § 4345a. Needs identified through the process shall be integrated with the hospital's long-term planning. Each hospital shall post on its website a description of its identified needs, strategic initiatives developed to address the identified needs, annual progress on implementation of the proposed initiatives, opportunities for public participation, and the ways in which the hospital ensures access to appropriate mental health care that meets standards of quality, access, and affordability equivalent to other components of health care as part of an integrated, holistic system of care. Hospitals may meet the community health needs assessment and implementation plan



requirement through compliance with the relevant Internal Revenue Service community health needs assessment requirements for nonprofit hospitals.

\* \* \*

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

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

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

An act relating to adopting a climate change response plan and regional planning commission involvement in identifying health care-related needs.

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.

### Consideration Postponed

#### S. 197.

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

An act relating to prohibiting discrimination based on genetic information.

Reported recommending that the Senate amend the bill as follows:

First: By striking out Sec. 3, 18 V.S.A. § 9334, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. 18 V.S.A. § 9334 is amended to read:

#### § 9334. GENETIC TESTING AS A CONDITION OF INSURANCE COVERAGE

(a) No policy of insurance offered for delivery or issued in this State shall be underwritten or conditioned on the basis of:

(1) any requirement or agreement of the individual to undergo genetic testing; or

(2) genetic information of the individual that may be associated with a potential genetic condition in that individual but that has not resulted in a diagnosed condition in the individual; or

(3) ~~the results of genetic testing of~~ genetic information of a member of the individual's family.

\* \* \*

Second: By striking out Sec. 4, 8 V.S.A. § 3702, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. 8 V.S.A. § 3702 is amended to read:

§ 3702. OTHER PROHIBITED PRACTICES

A life insurance company doing business in the State or an agent thereof shall not do any of the following:

(1) ~~issue~~ Issue a policy of insurance or make an agreement other than that plainly expressed in the policy issued to the insured;

(2) ~~pay~~ Pay or allow, or offer to pay or allow, as an inducement to insurance, a rebate or premium payable on the policy;

(3) ~~grant~~ Grant a special favor or advantage in the dividends or other benefits to accrue thereon; ~~or.~~

(4) ~~provide~~ Provide any valuable consideration or inducement not specified in the policy.

(5)(A) Condition insurance rates, the provision or renewal of insurance coverage or benefits, or other conditions of insurance for any individual on:

(i) any requirement or agreement of the individual to undergo genetic testing;

(ii) genetic information of the individual that may be associated with a potential genetic condition in that individual but that has not resulted in a diagnosed condition in the individual; or

(iii) the genetic information of a member of the individual's family.

(B) As used in this subdivision (5), "genetic testing" and "genetic information" have the same meaning as in 18 V.S.A. § 9331.

(C) Notwithstanding subdivisions (A) and (B) of this subdivision (5), a life insurance company or its agent may condition insurance rates, the provision or renewal of insurance coverage or benefits, or other conditions of insurance for an individual on the individual's family medical history, including the manifestation of a disease or disorder in one or more family members of the individual, provided that there is a relationship between the individual's family medical history and the cost of the insurance risk that the insurer would assume by insuring the individual. In demonstrating the relationship, the insurer can rely on actual or reasonably anticipated experience.

(6) Request, require, purchase, or use information obtained from an entity providing direct-to-consumer genetic testing without the informed written consent of the individual who has been tested.

Third: By striking out Sec. 5, 8 V.S.A. § 4724, in its entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. 8 V.S.A. § 4724 is amended to read:

§ 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR DECEPTIVE ACTS OR PRACTICES DEFINED

The following are hereby defined as unfair methods of competition or unfair or deceptive acts or practices in the business of insurance:

\* \* \*

(7) Unfair discrimination; arbitrary underwriting action.

\* \* \*

(D) Making or permitting any unfair discrimination against any individual by conditioning insurance rates, the provision or renewal of insurance coverage, or other conditions of insurance based on medical information, ~~including the results of genetic testing,~~ where there is not a relationship between the medical information and the cost of the insurance risk that the insurer would assume by insuring the proposed insured. In demonstrating the relationship, the insurer can rely on actual or reasonably anticipated experience. ~~As used in this subdivision, “genetic testing” shall be defined as the term is defined in 18 V.S.A. § 9331(7).~~

\* \* \*

(F)(i) Making or permitting any unfair discrimination against any individual by conditioning insurance rates, the provision or renewal of insurance coverage, or other conditions of insurance on:

(I) any requirement or agreement of the individual to undergo genetic testing;

(II) genetic information of the individual that may be associated with a potential genetic condition in that individual, but which has not resulted in a diagnosed condition in the individual; or

(III) the genetic information of a member of the individual’s family.

(ii) As used in this subdivision (7)(F), “genetic testing” and “genetic information” have the same meaning as in 18 V.S.A. § 9331.

\* \* \*

## (22) Genetic testing.

(A) Conditioning insurance rates, the provision or renewal of insurance coverage or benefits, or other conditions of insurance for any individual on:

(i) any requirement or agreement of the individual to undergo genetic testing; or

(ii) genetic information of the individual that may be associated with a potential genetic condition in that individual but that has not resulted in a diagnosed condition in the individual; or

~~(iii) the results of genetic testing~~ genetic information of a member of the individual's family unless the results are contained in the individual's medical record.

(B) As used in this subdivision (22), “genetic testing” ~~shall be defined as the term is defined~~ and “genetic information” have the same meaning as in 18 V.S.A. § 9331(7) 9331.

Fourth: By striking out Sec. 7, 8 V.S.A. § 8086, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. 8 V.S.A. § 8086 is amended to read:

§ 8086. PREEXISTING CONDITIONS; GENETIC TESTING

\* \* \*

(b)(1) No long-term care insurance policy or certificate may exclude coverage for a loss or confinement which is the result of a preexisting condition, unless such loss or confinement begins within six months following the effective date of coverage of an insured person.

(2)(A) No long-term care insurance policy or certificate may condition insurance rates, the provision or renewal of insurance coverage or benefits, or other conditions of insurance for any individual on:

(i) any requirement or agreement of the individual to undergo genetic testing;

(ii) genetic information of the individual that may be associated with a potential genetic condition in that individual but that has not resulted in a diagnosed condition in the individual; or

(iii) the genetic information of a member of the individual's family.

(B) As used in this subdivision, “genetic testing” and “genetic information” have the same meaning as in 18 V.S.A. § 9331.

\* \* \*

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, and pending the question, Shall the bill be amended as recommended by the Committee on Health and Welfare?, Senator Ashe moved that consideration be postponed.

Which was agreed to.

**Rules Suspended; Bill Amended; Third Reading Ordered**

**H. 947.**

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

An act relating to temporary municipal tax rate provisions in response to COVID-19.

Was taken up for immediate consideration.

Senator Collamore, for the Committee on Government Operations, to which the bill was referred, reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be read a third time?, Senators White, Bray, Clarkson, Collamore and Pollina moved that the Senate propose to the House amend the bill as follows:

First: In Sec. 1 (municipal tax rate; temporary authority), immediately following the words “the legislative body of a”, by striking out the word “municipality” and inserting in lieu thereof the following: city, town, or incorporated village

Second: In Sec. 1 (municipal tax rate; temporary authority), immediately following the words “provided that the”, by striking out the word “municipality” and inserting in lieu thereof the following: city, town, or incorporated village

Which was agreed to.

Thereupon, third reading of the bill was ordered.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, May 19, 2020, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 52.

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**TUESDAY, MAY 19, 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.

**Message from the House No. 45**

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 House bills of the following titles:

**H. 656.** An act relating to miscellaneous agricultural subjects.

**H. 951.** An act relating to the municipal emergency statewide education property tax borrowing program.

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

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

**S. 343.** An act relating to delaying special education changes due to the COVID-19 state of emergency.

And has passed the same in concurrence.

**Roll Call**

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

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

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

**Committee Relieved of Further Consideration; Bill Committed**

**S. 124.**

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

An act relating to miscellaneous law enforcement amendments,  
and the bill was committed to the Committee on Government Operations.

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

**J.R.S. 53.**

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. 53.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Thursday, May 21, 2020, or, Friday, May 22, 2020, it be to meet again no later than Tuesday, May 26, 2020.

### **Joint Resolution Referred**

#### **J.R.H. 9.**

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

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

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

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

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

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Girls State educational program on Tuesday, June 23, 2020, from 8:00 a.m. to 4:15 p.m., and be it further

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

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Rules.

### **Bills Referred**

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

#### **H. 656.**

An act relating to miscellaneous agricultural subjects.

To the Committee on Agriculture.



**H. 951.**

An act relating to the municipal emergency statewide education property tax borrowing program.

To the Committee on Appropriations.

**Bill Passed****S. 185.**

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

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

**Bill Passed**

Senate bill of the following title:

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

Was read the third time and passed, on a roll call, Yeas 28, Nays 2.

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

**Roll Call**

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

**Those Senators who voted in the negative were:** Brock, Collamore.

**Bill Amended; Third Reading Ordered****S. 234.**

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

An act relating to miscellaneous judiciary procedures.

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

Sec. 1. 3 V.S.A. § 163 is amended to read:

§ 163. JUVENILE COURT DIVERSION PROJECT

\* \* \*

(i) Notwithstanding subdivision (c)(1) of this section, the diversion program may accept cases from the Youth Substance Abuse Awareness Safety Program pursuant to 7 V.S.A. § 656 or 18 V.S.A. § 4230b. The confidentiality provisions of this section shall become effective when a notice of violation is issued under 7 V.S.A. § 656(b) or 18 V.S.A. § 4230b(b), and shall remain in effect unless the person fails to register with or complete the Youth Substance Abuse Awareness Safety Program.

\* \* \*

Sec. 2. 3 V.S.A. § 164 is amended to read:

§ 164. ADULT COURT DIVERSION PROGRAM

\* \* \*

(l) Notwithstanding subdivision (e)(1) of this section, the diversion program may accept cases from the Youth Substance Abuse Awareness Safety Program pursuant to 7 V.S.A. § 656 or 18 V.S.A. § 4230b. The confidentiality provisions of this section shall become effective when a notice of violation is issued under 7 V.S.A. § 656(b) or 18 V.S.A. § 4230b(b), and shall remain in effect unless the person fails to register with or complete the Youth Substance Abuse Awareness Safety Program.

\* \* \*

Sec. 3. 18 V.S.A. § 4230a is amended to read:

§ 4230A. ~~MARIJUANA~~ CANNABIS POSSESSION BY A PERSON 21 YEARS OF AGE OR OLDER

\* \* \*

(d) Fifty percent of the civil penalties imposed by the Judicial Bureau for violations of this section shall be deposited in the Drug Task Force Special Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Department of Public Safety for the funding of law enforcement officers on the Drug Task Force, except for a \$12.50 administrative charge for each violation, which shall be deposited in the Court Technology Special Fund, in accordance with 13 V.S.A. § 7252. The remaining 50 percent shall be deposited in the Youth Substance Abuse Awareness Safety Program Special Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Court Diversion Program for funding of the Youth Substance Abuse Awareness Safety Program as required by section 4230b of this title.

\* \* \*

Sec. 4. 18 V.S.A. § 4230f is amended to read:

§ 4230F. ~~DISPENSING MARIJUANA~~ CANNABIS TO A PERSON UNDER 21 YEARS OF AGE; CRIMINAL OFFENSE

\* \* \*

(e)(1) Subsections (a)–(d) of this section shall not apply to a person under 21 years of age who dispenses ~~marijuana~~ cannabis to a person under 21 years of age or who knowingly enables the consumption of ~~marijuana~~ cannabis by a person under 21 years of age.

(2) A person who is 18, 19, or 20 years of age who knowingly dispenses ~~marijuana~~ cannabis to a person who is 18, 19, or 20 years of age commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance ~~Abuse~~ Awareness Safety Program in accordance with the provisions of section 4230b of this title and shall be subject to the penalties in that section for failure to complete the program successfully.

\* \* \*

Sec. 5. 7 V.S.A. § 656 is amended to read:

§ 656. PERSON 16 YEARS OF AGE OR OLDER AND UNDER 21 YEARS OF AGE MISREPRESENTING AGE, PROCURING, POSSESSING, OR CONSUMING ALCOHOLIC BEVERAGES; CIVIL VIOLATION-

(a)(1) Prohibited conduct. A person 16 years of age or older and under 21 years of age shall not:

(A) Falsely represent his or her age for the purpose of procuring or attempting to procure malt or vinous beverages, spirits, or fortified wines from any licensee, State liquor agency, or other person or persons.

(B) Possess malt or vinous beverages, spirits, or fortified wines for the purpose of consumption by himself or herself or other minors, except in the regular performance of duties as an employee of a licensee licensed to sell alcoholic liquor.

(C) Consume malt or vinous beverages, spirits, or fortified wines. A violation of this subdivision may be prosecuted in a jurisdiction where the minor has consumed malt or vinous beverages, spirits, or fortified wines or in a jurisdiction where the indicators of consumption are observed.

(2) Offense. A person ~~under 21 years of age~~ who knowingly violates subdivision (1) of this subsection commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the

Youth Substance Abuse Awareness Safety Program. A person who fails to complete the program successfully shall be subject to:

(A) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and

(B) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.

(b) Issuance of notice of violation. A law enforcement officer shall issue a person ~~under 21 years of age~~ who violates this section a notice of violation, in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this section, including that:

\* \* \*

Sec. 6. 18 V.S.A. § 4230b is amended to read:

§ 4230b. MARIJUANA CANNABIS POSSESSION BY A PERSON 16 YEARS OF AGE OR OLDER AND UNDER 21 YEARS OF AGE; CIVIL VIOLATION

(a) Offense. A person 16 years of age or older and under 21 years of age who knowingly and unlawfully possesses one ounce or less of ~~marijuana~~ cannabis or five grams or less of hashish or two mature ~~marijuana~~ cannabis plants or fewer or four immature ~~marijuana~~ cannabis plants or fewer commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(1) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and

(2) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.

(b) Issuance of Notice of Violation. A law enforcement officer shall issue a person ~~under 21 years of age~~ who violates this section with a notice of violation, in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this section, including that:

\* \* \*

(d) Registration in Youth Substance Abuse Awareness Safety Program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Awareness Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

\* \* \*

(f)(1) Diversion Program Requirements. Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Awareness Safety Program. Pursuant to the Youth Substance Abuse Awareness Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a State-certified or State-licensed substance abuse counselor or substance abuse treatment provider to provide the services.

\* \* \*

Sec. 7. 18 V.S.A. § 4230j is added to read:

§ 4230j. CANNABIS POSSESSION BY A PERSON UNDER 16 YEARS OF AGE; DELINQUENCY

A person under 16 years of age who engages in conduct in violation of subdivision 4230b of this title commits a delinquent act and shall be subject to 33 V.S.A. chapter 52. The person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Program would not serve the ends of justice.

Sec. 8. 23 V.S.A. § 203 is amended to read:

§ 203. COUNTERFEITING, FRAUD, AND MISUSE; PENALTY

(a) A person shall not:

\* \* \*

(2) display or cause or permit to be displayed, or have in his or her possession, any fictitious or fraudulently altered operator license, learner's permit, nondriver identification card, inspection sticker, or registration certificate, or display for any fraudulent purpose an expired or counterfeit insurance identification card or similar document;

\* \* \*

(b)(1) A Except as provided in subdivision (2) of this subsection, a violation of subsection (a) of this section shall be a traffic violation for which there shall be a penalty of not more than \$1,000.00. If a person is found to have committed the violation, the person's privilege to operate motor vehicles shall be suspended for 60 days.

(2) If a person may be charged with a violation of subdivision (a)(2) of this section or with a violation of 7 V.S.A. § 656, the person shall be charged with a violation of 7 V.S.A. § 656 and not with a violation of this section.

Sec. 9. 4 V.S.A. § 1105 is amended to read:

§ 1105. ANSWER TO COMPLAINT; DEFAULT

(a) A violation shall be charged upon a summons and complaint form approved and distributed by the Court Administrator. The complaint shall be signed by the issuing officer or by the State's Attorney. The original shall be filed with the Judicial Bureau; a copy shall be retained by the issuing officer or State's Attorney and two copies shall be given to the defendant. The Judicial Bureau may, consistent with rules adopted by the Supreme Court pursuant to 12 V.S.A. § 1, accept electronic signatures on any document, including the signatures of issuing officers, State's Attorneys, and notaries public. The complaint shall include a statement of rights, instructions, notice that a defendant may ~~admit, not contest, or deny a violation~~ request a hearing or accept the penalties without a hearing, notice of the fee for failure to answer within ~~20~~ 21 days, and other notices as the Court Administrator deems appropriate. The Court Administrator, in consultation with appropriate law enforcement agencies, may approve a single form for charging all violations, or may approve two or more forms as necessary to administer the operations of the Judicial Bureau.

(b) A person who is charged with a violation shall have ~~20~~ 21 days from the date the complaint is issued to ~~admit or deny the allegations or to state that he or she does not contest the allegations in the complaint~~ request a hearing or to state that he or she will accept the penalties without a hearing. The Judicial Bureau shall assess against a defendant a fee of \$20.00 for failure to answer a complaint within the time allowed. The fee shall be assessed in the default judgment and deposited in the Court Technology Special Fund established

pursuant to section 27 of this title.

(c) A person who ~~admits or does not contest the allegations~~ accepts the penalties may so indicate and sign the complaint. The Bureau shall accept the admission or statement that the allegations are not contested and accept payment of the waiver penalty.

(d) If the person sends in the amount of the waiver penalty without signing the complaint, the Bureau shall accept the payment indicating that payment was made and that the allegations were not contested.

(e) A person who denies the allegations or who wishes to have a hearing on the complaint for any other reason may so indicate and sign the complaint. Upon receipt, the Bureau shall schedule a hearing.

\* \* \*

Sec. 10. 12 V.S.A. § 2903(d) is amended to read:

(d) If a judgment lien is not satisfied within 30 days of recording, it may be foreclosed and redeemed as provided in this title and V.R.C.P. 80.1. Unless the court finds that as of the date of foreclosure the amount of the outstanding debt exceeds the value of the real property being foreclosed, ~~section 4531 chapter 172~~ of this title shall apply to foreclosure of a judgment lien.

Sec. 11. 12 V.S.A. § 5812 is amended to read:

#### § 5812. OATH TO BE ADMINISTERED TO ATTORNEYS

You solemnly swear that you will do no falsehood, nor consent that any be done in court, and if you know of any, you will give knowledge thereof to the judges of the court or some of them, that it may be reformed; that you will not wittingly, willingly, or knowingly promote, sue, or procure to be sued, any false or unlawful suit, or give aid or consent to the same; that you will delay no ~~man~~ person for lucre or malice, but will act in the office of attorney within the court, according to your best learning and discretion, with all good fidelity as well to the court as to your client. So help you God.

Sec. 12. 13 V.S.A. § 1029 is amended to read:

#### § 1029. ALCOHOLISM, LIMITATIONS, EXCEPTIONS

(a) No political subdivision of the State may adopt or enforce a law or rule having the force of law that includes being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal or civil penalty. No political subdivision may interpret or apply any law of general application to circumvent this provision.

(b) Nothing in this section affects any law or rule against operating a motor vehicle or other machinery under the influence of alcohol or possession or use of alcoholic beverages at stated times and places or by a particular class of persons.

(c) This section does not make intoxication or incapacitation as defined in ~~18 V.S.A. § 9142~~ 18 V.S.A. § 4802 an excuse or defense for any criminal act. Nothing contained herein shall change current law relative to insanity as a defense for any criminal act.

(d) This section does not relieve any person from civil liability for any injury to persons or property caused by that person while intoxicated or incapacitated.

Sec. 13. 13 V.S.A. § 3256 is amended to read:

§ 3256. TESTING FOR INFECTIOUS DISEASES

(a)(1)(A) The victim of an offense involving a sexual act may obtain an order from the Criminal or Family Division of the Superior Court in which the offender was convicted of the offense, or was adjudicated delinquent, requiring that the offender be tested for the presence of the etiologic agent for acquired immune deficiency syndrome (AIDS) and other sexually-transmitted diseases, including gonorrhea, herpes, chlamydia, and syphilis.

(B) The victim of an offense involving a sexual act may, if a judicial officer finds there is probable cause to believe the offender committed the offense, obtain an order from the Criminal or Family Division of the Superior Court in which the offender was charged with the offense requiring that the offender be tested for the presence of immunodeficiency virus (HIV) within 48 hours after the offender was charged.

(2) If requested by the victim, the State's Attorney shall petition the court on behalf of the victim for an order under this section. For the purposes of this section, "offender" includes a juvenile adjudicated a delinquent.

(b) ~~For purposes of~~ As used in this section, "sexual act" means a criminal offense:

(1) where the underlying conduct of the offender constitutes a sexual act as defined in section 3251 of this title; and

(2) that creates a risk of transmission of the etiologic agent for AIDS to the victim as determined by the federal Centers for Disease Control and Prevention.

(c) If the court determines pursuant to subdivision (a)(1)(A) of this section that the offender was convicted or adjudicated of a crime involving a sexual



act with the victim, or that pursuant to subdivision (a)(1)(B) of this section that the offender was charged with a crime involving a sexual act with the victim and there is probable cause to believe the offender committed the offense, the court shall order the test to be administered by the Department of Health in accordance with applicable law. If appropriate under the circumstances, the court may include in its order a requirement for follow-up testing of the offender. An order for follow-up testing shall be terminated if the offender's conviction is overturned. A sample taken pursuant to this section shall be used solely for purposes of this section. All costs of testing the offender shall, if not otherwise funded, be paid by the Department of Public Safety.

(d) The results of the offender's test shall be disclosed only to the offender and the victim.

(e) If an offender who is subject to an order pursuant to subsection (c) of this section refuses to comply with the order, the victim, or State's Attorney on behalf of the victim, may seek a civil contempt order pursuant to 12 V.S.A. chapter 5.

(f) After arraignment, a defendant who is charged with an offense involving a sexual act may offer to be tested for the presence of the etiologic agent for acquired immune deficiency syndrome (AIDS) and other sexually transmitted diseases, including gonorrhea, herpes, chlamydia, and syphilis. Such testing shall follow the same procedures set forth for testing an offender who is subject to an order pursuant to subsection (c) of this section. The defendant's offer to be tested after arraignment shall not be used as evidence at the defendant's trial. If the defendant is subsequently convicted of an offense involving a sexual act, the court may consider the offender's offer for testing as a mitigating factor.

(g) Upon request of the victim at any time after the commission of a crime involving a sexual act under subsection (b) of this section, the State shall provide any of the following services to the victim:

- (1) counseling regarding human immunodeficiency virus (HIV);
- (2) testing, which shall remain confidential unless otherwise provided by law, for HIV and other sexually transmitted diseases, including gonorrhea, herpes, chlamydia, and syphilis;
- (3) counseling by a medically trained professional on the accuracy of the testing, and the risk of transmitting HIV and other sexually transmitted diseases to the victim as a result of the crime involving a sexual act; and
- (4) prophylaxis treatment, crisis counseling, and support services.

(h) A victim who so requests shall receive monthly follow-up HIV testing for six months after the initial test.

(i) The State shall provide funding for HIV or AIDS, or both, and sexual assault cross-training between sexual assault programs and HIV and AIDS service organizations.

(j) The record of the court proceedings and test results pursuant to this section shall be sealed.

(k) The Court Administrator's Office shall develop and distribute forms to implement this section in connection with a criminal conviction or adjudication of delinquency.

(l) The Center for Crime Victim Services shall be the primary coordinating agent for the services to be provided in subsections (g), (h), and (i) of this section.

Sec. 14. 13 V.S.A. § 7602 is amended to read:

§ 7602. EXPUNGEMENT AND SEALING OF RECORD,  
POSTCONVICTION; PROCEDURE

\* \* \*

(b)(1) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

\* \* \*

(C) Any restitution and surcharges ordered by the court ~~has~~ have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

\* \* \*

(c)(1) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

\* \* \*

(D) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

\* \* \*

(d) For petitions filed pursuant to subdivision (a)(1)(B) of this section, unless the court finds that expungement would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:

\* \* \*

(2) Any restitution and surcharges ordered by the court has have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

\* \* \*

Sec. 15. 13 V.S.A. § 7609 is amended to read:

§ 7609. EXPUNGEMENT OF CRIMINAL HISTORY RECORDS OF AN INDIVIDUAL 18–21 YEARS OF AGE

(a) Procedure. Except as provided in subsection (b) of this section, the record of the criminal proceedings for an individual who was 18–21 years of age at the time the individual committed a qualifying crime shall be expunged within 30 days after the date on which the individual successfully completed the terms and conditions of the sentence for the conviction of the qualifying crime, absent a finding of good cause by the court. The court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the sentence. A copy of the order shall be sent to each agency, department, or official named in the order. Thereafter, the court, law enforcement officers, agencies, and departments shall reply to any request for information that no record exists with respect to such individual. Notwithstanding this subsection, the record shall not be expunged until restitution has and surcharges have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

\* \* \*

Sec. 16. 14 V.S.A. § 107 is amended to read:

§ 107. ALLOWANCE OF WILL; CUSTODY OF PROPERTY

(a) If consents are filed by all the heirs at law and surviving spouse, a will may be allowed without hearing. If consents are not obtained, the court shall schedule a hearing and notice shall be given as provided by the Rules of Probate Procedure.

(b) Objections to allowance of the will must be filed in writing not less than seven days prior to the hearing. In the event that no timely objections are filed, ~~the will may be allowed without hearing if it meets criteria set out in section 108 of this title~~ the court may:

(1) allow the will on the testimony of only one of the subscribing witnesses if the witness testifies that the will was executed as provided in chapter 1 of this title; or

(2) allow the will without hearing if it meets criteria set out in section 108 of this title.

\* \* \*

Sec. 17. 14 V.S.A. § 1203 is amended to read:

§ 1203. LIMITATIONS ON PRESENTATION OF CLAIMS

\* \* \*

(c) Nothing in this section affects or prevents:

(1) any proceeding to enforce any mortgage, pledge, or other lien upon property of the estate; ~~or~~

(2) to the limits of the insurance protection only, any proceeding to establish liability of the decedent or the executor or administrator for which he or she is protected by liability insurance; or

(3) the enforcement of any tax liability.

Sec. 18. 14 V.S.A. § 2643 is amended to read:

§ 2643. RELEASE BY COURT AND PARENT ON BEHALF OF MINOR

(a) The Superior judge of the Superior Court within and for the county where the minor resides, on behalf of a minor, must approve of and consent to a release to be executed by a parent in the settlement of any claim that does not exceed the sum of ~~\$1,500.00~~ \$10,000.00. A release so furnished shall be binding on the minor and both parents, their heirs, executors, administrators, or assigns, respectively.

(b) Any claim settled for a sum in excess of ~~\$1,500.00~~ \$10,000.00 shall require the approval of a court-appointed guardian.

Sec. 19. 15 V.S.A. § 663 is amended to read:

§ 663. SUPPORT ORDERS; REQUIRED CONTENTS

\* \* \*

(c) Every order for child support made or modified under this chapter on or after July 1, 1990, shall:

(1) include an order for immediate wage withholding or, if not subject to immediate wage withholding, include a statement that wage withholding will take effect under the expedited procedure set forth in section 782 of this title;

(2) require payments to be made to the Registry in the Office of Child Support unless subject to an exception under 33 V.S.A. § 4103;

(3) require that every party to the order must notify the Registry in writing of their current mailing address and current residence address and of any change in either address within seven business days of the change, until all obligations to pay support or support arrearages or to provide for visitation are satisfied;

(4) include in bold letters notification of remedies available under section 798 of this title; and

(5) include in bold letters notification that the parent may seek a modification of his or her support obligation if there has been a showing of a real, substantial, and unanticipated change of circumstances.

\* \* \*

Sec. 20. 15 V.S.A. § 664 is amended to read:

#### § 664. DEFINITIONS

As used in this subchapter:

(1) “Parental rights and responsibilities” means the rights and responsibilities related to a child’s physical living arrangements, ~~parent-child contact~~, education, medical and dental care, religion, travel, and any other matter involving a child’s welfare and upbringing.

\* \* \*

Sec. 21. 18 V.S.A. § 7510 is amended to read:

#### § 7510. PRELIMINARY HEARING

(a) Within five days after a person is admitted to a designated hospital for emergency examination, he or she may request the ~~Criminal Division of the Superior Court~~ to conduct a preliminary hearing to determine whether there is probable cause to believe that he or she was a person in need of treatment at the time of his or her admission.

\* \* \*

Sec. 22. 24 V.S.A. § 1981 is amended to read:

§ 1981. ENFORCEMENT OF ORDER FROM JUDICIAL BUREAU

(a) Upon the filing of the complaint and entry of a judgment after admission, hearing or entry of default by the hearing officer, subject to any appeal pursuant to 4 V.S.A. § 1107, the person found in violation shall have up to 30 days to pay the penalty to the Judicial Bureau. Upon the expiration of the period to pay the penalty, the person found in violation shall be assessed a surcharge of \$10.00 for the benefit of the municipality. All the civil remedies for collection of judgments shall be available to enforce the final judgment of the Judicial Bureau.

\* \* \*

Sec. 23. 32 V.S.A. § 1434 is amended to read:

§ 1434. PROBATE CASES

(a) The following entry fees shall be paid to the Probate Division of the Superior Court for the benefit of the State, except for subdivisions (18) and (19) of this subsection, which shall be for the benefit of the county in which the fee was collected:

\* \* \*

(28) ~~Petitions for minor settlement pursuant to 14 V.S.A. § 2643—\$90.00~~  
[Repealed.]

\* \* \*

Sec. 24. 33 V.S.A. § 5117 is amended to read:

§ 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

\* \* \*

(b)(1) Notwithstanding the foregoing, inspection of such records and files by the following is not prohibited:

\* \* \*

(D) court personnel, the State's Attorney or other prosecutor authorized to prosecute criminal or juvenile cases under State law, the child's guardian ad litem, the attorneys for the parties, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the child;

(E) the child who is the subject of the proceeding, the child's parents, guardian, and custodian, ~~and guardian ad litem~~ may inspect such records and files upon approval of the Family Court judge;

\* \* \*

Sec. 25. 33 V.S.A. § 5119 is amended to read:

§ 5119. SEALING OF RECORDS

\* \* \*

(m) Notwithstanding the provisions of this section, a criminal record may not be sealed if restitution and surcharges are owed, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to 13 V.S.A. § 7282.

Sec. 26. SUNSET REPEAL

2017 Acts and Resolves No. 61, Sec. 7 (July 1, 2020 sunset of changes to Court Diversion Program) is repealed.

Sec. 27. REPEAL

12 V.S.A. chapter 215, subchapter 1 (voluntary arbitration for medical malpractice cases) is repealed.

Sec. 28. SUNSET REPEAL

2017 Acts and Resolves No. 54, Sec. 6a (July 1, 2020 repeal of 3 V.S.A. § 168, Racial Disparities in Criminal and Juvenile Justice System Advisory Panel) is repealed.

Sec. 29. PERSONS WITH SUSPENDED DRIVER'S LICENSES;  
AMNESTY PROGRAM

(a) There is established an Amnesty Program to permit the Judicial Bureau and the Department of Motor Vehicles to waive all traffic tickets, fees, and surcharges associated with motor vehicle operators whose licenses have been suspended for noncriminal reasons if the suspension has lasted for one year or longer. The Amnesty Program shall comply with the guidelines set forth in this section.

(b) On or before September 1, 2020, the Department of Motor Vehicles shall provide to the Office of the Attorney General a list of persons whose operator's licenses have been suspended for noncriminal reasons for one year or longer. On or before September 30, 2020, the Office of the Attorney General shall submit the entire list to the Judicial Bureau and file a single motion requesting that the traffic tickets, Judicial Bureau fees, and surcharges for all persons on the list be waived.

(c)(1) Upon filing of the motion from the Attorney's General's Office required by subsection (b) of this section, the Judicial Bureau shall waive the tickets, fees, and surcharges identified in the motion.

(2) The Judicial Bureau shall provide notice of its action under subdivision (1) of this subsection to the Department of Motor Vehicles.

(d) After receiving notice from the Judicial Bureau pursuant to subdivision (c)(2) of this section, the Department of Motor Vehicles shall:

(1) waive any fees, including those associated with reinstatement, for all persons included on the list submitted to the Judicial Bureau pursuant to subsection (b) or this section;

(2) reinstate the operator's licenses of each person on the list, unless the person is otherwise ineligible for reinstatement; and

(3) notify persons that their licenses have been reinstated, or that their licenses are ineligible for reinstatement and the reason for ineligibility.

#### Sec. 30. CONFORMING REVISIONS; "MARIJUANA" AND "CANNABIS"

When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Council shall replace "marijuana" with "cannabis" throughout the statutes as needed for consistency with this act, provided the revisions have no other effect on the meaning of the affected statutes.

#### Sec. 31. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

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, and pending the question, Shall the bill be amended as recommended by the Committee on Judiciary?, Senators Nitka and Sears moved to amend the recommendation of the Committee on Judiciary by adding three new sections to be numbered Secs. 31, 32 and 33 to read as follows:

Sec. 31. 4 V.S.A. § 33 is amended to read:

#### § 33. JURISDICTION; FAMILY DIVISION

(a) Notwithstanding any other provision of law to the contrary, the Family Division shall have exclusive jurisdiction to hear and dispose of the following proceedings filed or pending on or after October 1, 1990:

\* \* \*

(18) Concurrent with the Probate Division, special immigration judicial determinations regarding the custody and care of children within the meaning of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101(a)(27)(J) and 8 C.F.R. Sec. 204.11) issued pursuant to 14 V.S.A. chapter 111, subchapter 14.



\* \* \*

Sec. 32. 4 V.S.A. § 35 is amended to read:

§ 35. JURISDICTION; PROBATE DIVISION

The Probate Division shall have jurisdiction of:

\* \* \*

(25) grandparent visitation proceedings under 15 V.S.A. chapter 18; and

(26) other matters as provided by law; and

(27) concurrent with the Family Division, special immigration judicial determinations regarding the custody and care of children within the meaning of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101(a)(27)(J) and 8 C.F.R. Sec. 204.11) issued pursuant to 14 V.S.A. chapter 111, subchapter 14.

Sec. 33. 14 V.S.A. chapter 111, subchapter 14 is added to read:

Subchapter 14. Special Immigration Status

§ 3098. SPECIAL IMMIGRATION JUVENILE STATUS; JURISDICTION AND FINDINGS

(a) Jurisdiction and Findings. The court has jurisdiction under Vermont law to make judicial determinations regarding the custody and care of children within the meaning of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101(a)(27)(J) and 8 C.F.R. Sec. 204.11). The court is authorized to make the findings necessary to enable a child to petition the U.S. Citizenship and Immigration Service for classification as a special immigrant juvenile pursuant to 8 U.S.C. Sec. 1101(a)(27)(J).

(b)(1) If an order is requested from the court making the necessary findings regarding special immigrant juvenile status as described in subsection (a) of this section, the court shall issue an order if there is evidence to support those findings, which may include a declaration by the child who is the subject of the petition. The order issued by the court shall include all of the following findings:

(A) The child was either of the following:

(i) Declared a dependent of the court.

(ii) Legally committed to or placed under the custody of a State agency or department or an individual or entity appointed by the court. The court shall indicate the date on which the dependency, commitment, or custody was ordered.

(B) That reunification of the child with one or both of the child's parents was determined not to be viable because of abuse, neglect, abandonment, or a similar basis pursuant to Vermont law. The court shall indicate the date on which reunification was determined not to be viable.

(C) That it is not in the best interests of the child to be returned to the child's or his or her parent's previous country of nationality or country of last habitual residence.

(2) If requested by a party, the court may make additional findings that are supported by evidence.

(c) In any judicial proceedings in response to a request that the court make the findings necessary to support a petition for classification as a special immigrant juvenile, information regarding the child's immigration status that is not otherwise protected by State laws shall remain confidential. This information shall also be exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except that the information shall be available for inspection by the court, the child who is the subject of the proceeding, the parties, the attorneys for the parties, the child's counsel, and the child's guardian.

(d) As used in this section, "court" means the Probate Division and the Family Division of the Superior Court.

And by renumbering the remaining section to be numerically correct.

Which was agreed to.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Judiciary, as amended? was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senator Rodgers moved to amend the bill by adding a new section to be numbered Sec. 34 to read as follows

Sec. 34. 14 V.S.A. § 322 is amended to read:

§ 322. UNLAWFUL KILLING AFFECTING INHERITANCE

(a) Notwithstanding sections 311 through 314 of this title or provisions otherwise made, in any case in which an individual is entitled to inherit or receive property under the last will of a decedent, or otherwise, the individual's share in the decedent's estate shall be forfeited and shall pass to the remaining heirs or beneficiaries of the decedent if the individual intentionally and unlawfully kills the decedent. In any proceedings to contest the right of an individual to inherit or receive property under a will or otherwise, the record of that individual's conviction of intentionally and

unlawfully killing the decedent shall be admissible in evidence and shall conclusively establish that the individual did intentionally and unlawfully kill the decedent.

(b) When it appears to the court that the decedent has been intentionally and unlawfully killed by an individual entitled to inherit or receive property from the decedent, the court shall not distribute any portion of the estate to the individual until the court determines whether the individual's share in the estate is forfeited under subsection (a) of this section. If criminal charges are filed against the individual for killing the decedent, the court shall not distribute any portion of the estate to the individual until the criminal charges have been resolved.

And by renumbering the remaining section to be numerically correct.

Thereupon, pending the question, Shall the bill be amended as recommended by Senator Rodgers? Senator Sears raised *a point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the grounds that the recommendation by Senator Rodgers was *not germane* to the bill and therefore could not be considered by the Senate.

Thereupon, the President sustained the point of order and ruled the recommendation of amendment offered by Senator Rodgers was not germane to the bill.

Whether a proposed amendment is germane is not always an easy question. Generally speaking, the following factors are considered:

1. Is the proposed amendment relevant, appropriate, and in a natural or logical sequence to the subject matter of the original proposal?
2. Does the proposed amendment introduce an independent question?
3. Does the proposed amendment unreasonably or unduly expand the subject matter of the bill?
4. Does the proposed amendment deal with a different topic or subject?
5. Does the proposed amendment change the purpose, scope or object of the original bill?

In deciding a question of germaneness, the threshold determination must be that of the subject matter of the bill or amendment under consideration and its scope. In determining whether an amendment is germane to a bill or amendment the earlier listed factors are considered.

After weighing the factors, the President thereupon declared the recommendation of amendment offered by Senator Rodgers could *not* be considered by the Senate.

Thereupon, third reading of the bill was ordered.

**Bill Amended; Third Reading Ordered**

**S. 243.**

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

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

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

Sec. 1. 18 V.S.A. § 7257b is added to read:

§ 7257b. EMERGENCY SERVICE PROVIDER WELLNESS  
COMMISSION

(a) As used in this section:

(1) “Chief executive of an emergency service provider organization” means a person in charge of an organization that employs or supervises emergency service providers in their official capacity.

(2) “Emergency service provider” means a person:

(A) currently or formerly recognized by a Vermont Fire Department as a firefighter;

(B) currently or formerly licensed by the Department of Health as an emergency medical technician, emergency medical responder, advanced emergency medical technician, or paramedic;

(C) currently or formerly certified as a law enforcement officer by the Vermont Criminal Justice Training Council, including constables and sheriffs;

(D) currently or formerly employed by the Department of Corrections as a probation, parole, or correctional facility officer; or

(E) currently or formerly certified by the Vermont Enhanced 911 Board as a 911 call taker or employed as an emergency communications dispatcher providing service for an emergency service provider organization.

(3) “Licensing entity” means a State entity that licenses or certifies an emergency service provider.

(b) There is created the Emergency Service Provider Wellness Commission within the Agency of Human Services for the following purposes:

(1) to identify where increased or alternative supports or strategic investments within the emergency service provider community, designated or specialized service agencies, or other community service systems could improve the physical and mental health outcomes and overall wellness of emergency service providers;

(2) to identify how Vermont can increase capacity of qualified clinicians in the treatment of emergency service providers to ensure that the services of qualified clinicians are available throughout the State without undue delay;

(3) to create materials and information, in consultation with the Department of Health, including a list of qualified clinicians, for the purpose of populating an electronic emergency service provider wellness resource center on the Department of Health's website;

(4) to educate the public, emergency service providers, State and local governments, employee assistance programs, and policymakers about best practices, tools, personnel, resources, and strategies for the prevention and intervention of the effects of trauma experienced by emergency service providers and law enforcement officers;

(5) to identify gaps and strengths in Vermont's system of care for emergency service providers;

(6) to recommend how peer support services and qualified clinician services can be delivered regionally or statewide;

(7) to recommend how to support emergency service providers in communities that are resource challenged, remote, small, or rural;

(8) to recommend policies, practices, training, legislation, rules, and services that will increase successful interventions and support for emergency service providers to improve health outcomes, job performance, and personal well-being and reduce health risks, violations of employment, and violence associated with the impact of untreated trauma, including whether to amend Vermont's employment medical leave laws to assist volunteer emergency service providers in recovering from the effects of trauma experienced while on duty; and

(9) to consult with federal, State, and municipal agencies, organizations, entities, and individuals in order to make any other recommendations the Commission deems appropriate.

(c)(1) The Commission shall comprise the following members:

(A) the Chief of Training of the Vermont Fire Academy or designee;

- 
- (B) a representative, appointed by the Vermont Criminal Justice Training Council;
- (C) the Commissioner of Health or designee;
- (D) the Commissioner of Public Safety or designee;
- (E) the Commissioner of the Department of Corrections or designee;
- (F) the Commissioner of Mental Health or designee;
- (G) the Commissioner of Human Resources or designee;
- (H) a law enforcement officer who is not a chief or sheriff, appointed by the President of the Vermont Police Association;
- (I) a representative, appointed by the Vermont Association of Chiefs of Police;
- (J) a representative, appointed by the Vermont Sheriffs' Association;
- (K) a volunteer firefighter, appointed by the Vermont State Firefighters' Association;
- (L) a representative of the designated and specialized service agencies, appointed by Vermont Care Partners;
- (M) a representative, appointed by the Vermont State Employees Association;
- (N) a representative, appointed by the Vermont Troopers' Association;
- (O) a professional firefighter, appointed by the Professional Firefighters of Vermont;
- (P) a clinician associated with a peer support program who has experience in treating workplace trauma, appointed by the Governor;
- (Q) a professional emergency medical technician or paramedic, appointed by the Vermont State Ambulance Association;
- (R) a volunteer emergency medical technician or paramedic, appointed by the Vermont State Ambulance Association;
- (S) a person who serves or served on a peer support team, appointed by the Governor;
- (T) a representative, appointed by the Vermont League of Cities and Towns;
- (U) a Chief, appointed by the Vermont Career Fire Chiefs Association;

(V) a Chief, appointed by the Vermont Fire Chiefs Association; and

(W) a representative, appointed by the Vermont Association for Hospitals and Health Systems.

(2) The members of the Commission specified in subdivision (1) of this subsection shall serve three-year terms. Any vacancy on the Commission shall be filled in the same manner as the original appointment. The replacement member shall serve for the remainder of the unexpired term.

(3) Commission members shall recuse themselves from any discussion of an event or circumstance that the member believes may involve an emergency service provider known by the member and shall not access any information related to it. The Commission may appoint an interim replacement member to fill the category represented by the recused member for review of that interaction.

(d)(1) The Commissioner of Health or designee shall call the first meeting of the Commission to occur on or before September 30, 2020.

(2) The Commission shall select a chair and vice chair from among its members at the first meeting and annually thereafter.

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

(4) The Department of Health shall provide technical, legal, and administrative assistance to the Commission.

(e) The proceedings and records of the Commission describing or referring to circumstances or an event involving an emergency service provider, regardless of whether the emergency service provider is identified by name, are confidential and are not subject to subpoena, discovery, or introduction into evidence in a civil or criminal action. The Commission shall not use the information, records, or data for purposes other than those designated by this section.

(f) Commission meetings are confidential and shall be exempt from 1 V.S.A. chapter 5, subchapter 2 (the Vermont Open Meeting Law) when the Commission is discussing circumstances or an event involving a specific emergency service provider regardless of whether that person is identified by name. Except as set forth in subsection (e) of this section, Commission records are exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

(g) To the extent permitted under federal law, the Commission may enter into agreements with agencies, organizations, and individuals to obtain otherwise confidential information.

(h) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its conclusions and recommendations to the Governor and General Assembly as the Commission deems necessary, but not less frequently than once per calendar year. The report shall disclose individually identifiable health information only to the extent necessary to convey the Commission's conclusions and recommendations, and any such disclosures shall be limited to information already known to the public. The report shall be available to the public through the Department of Health.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

And that when so amended the bill ought to pass.

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported that the bill be amended as recommended by the Committee on Health and Welfare with the following amendment thereto:

In Sec. 1, 18 V.S.A. § 7257b, by striking out subsections (e) and (f) in their entireties and inserting in lieu thereof the following:

(e) The Commission's meetings shall be open to the public in accordance with 1 V.S.A. chapter 5, subchapter 2. Notwithstanding 1 V.S.A. § 313, the Commission may go into executive session in the event circumstances or an event involving a specific emergency service provider is described, regardless of whether the emergency service provider is identified by name.

(f) Commission records describing a circumstance or an event involving a specific emergency service provider, regardless of whether the emergency service provider is identified by name, are exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

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 of the Committee on Health and Welfare was amended as recommended by the Committee on Appropriations.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Health and Welfare, as amended?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered.



**Consideration Postponed****S. 295.**

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

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

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

\* \* \* PFAS in Class B Firefighting Foam \* \* \*

Sec. 1. 18 V.S.A. chapter 33 is added to read:

CHAPTER 33. FIREFIGHTING AGENTS AND EQUIPMENT

§ 1661. DEFINITIONS

As used in this chapter:

(1) “Class B firefighting foam” means chemical foams designed for flammable liquid fires.

(2) “Department” means the Vermont Department of Health.

(3) “Personal protective equipment” means clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets, and respiratory equipment.

(4) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.

(5) “Manufacturer” means any person, firm, association, partnership, corporation, organization, joint venture, importer, or domestic distributor of firefighting agents or equipment. As used in this subsection, “importer” means the owner of the product.

(6) “Municipality” means any city, town, incorporated village, town fire district, or other political subdivision that provides firefighting services pursuant to general law or municipal charter.

(7) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

§ 1662. PROHIBITION OF CERTAIN CLASS B FIREFIGHTING FOAM

A person, municipality, or State agency shall not discharge or otherwise use

for training purposes class B firefighting foam that contains intentionally added PFAS.

§ 1663. RESTRICTION ON MANUFACTURE, SALE, AND DISTRIBUTION; EXCEPTIONS

(a) A manufacturer of class B firefighting foam shall not manufacture, sell, offer for sale, or distribute for sale or use in this State class B firefighting foam to which PFAS have been intentionally added.

(b) Notwithstanding subsection (a), any manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS is required by federal law, including the requirements of 14 C.F.R. 139.317 (aircraft rescue and firefighting: equipment and agents), as that section existed as of January 1, 2020 is allowed. In the event that applicable federal regulations change after that date to allow the use of alternative firefighting agents that do not contain PFAS, the Department shall adopt rules that restrict PFAS for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by federal regulation.

§ 1664. SALE OF PERSONAL PROTECTIVE EQUIPMENT CONTAINING PFAS

(a) A manufacturer or other person that sells firefighting equipment to any person, municipality, or State agency shall provide written notice to the purchaser at the time of sale if the personal protective equipment contains PFAS. The written notice shall include a statement that the personal protective equipment contains PFAS and the reason PFAS are added to the equipment.

(b) The manufacturer or person selling personal protective equipment and the purchaser of the personal protective equipment shall retain the notice for at least three years from the date of the transaction. Upon request of the Department, a person, manufacturer, or purchaser shall furnish the notice or written copies and associated sales documentation to the Department within 60 days.

§ 1665. NOTIFICATION; RECALL OF PROHIBITED PRODUCTS

(a) A manufacturer of class B firefighting foam prohibited pursuant to section 1663 of this title shall notify, in writing, persons that sell the manufacturer's products in this State about the provisions of this chapter not less than one year prior to the effective date of the restrictions.

(b) A manufacturer that produces, sells, or distributes a class B firefighting foam prohibited pursuant to section 1663 of this title shall recall the product and reimburse the retailer or any other purchaser for the product.

§ 1666. CERTIFICATE OF COMPLIANCE

(a) The Department may request a certificate of compliance from a manufacturer of class B firefighting foam or firefighting personal protective equipment. A certificate of compliance attests that a manufacturer's product or products meet the requirements.

(b) The Department shall assist other State agencies and municipalities to avoid purchasing or using class B firefighting foams to which PFAS has been intentionally added. The Department shall assist other State agencies, town fire districts, and other municipalities to give priority and preference to the purchase of personal protective equipment that does not contain PFAS.

§ 1667. PENALTIES

A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

\* \* \* PFAS, Phthalates, and Bisphenols in Food Packaging \* \* \*

Sec. 2. 18 V.S.A. chapter 33A is added to read:

CHAPTER 33A. CHEMICALS OF CONCERN IN FOOD PACKAGING§ 1671. DEFINITIONS

As used in this chapter:

(1) "Bisphenols" means industrial chemicals used primarily in the manufacture of polycarbonate plastic and epoxy resins.

(2) "Department" means the Department of Health.

(3) "Food packaging" means a package that is designed for direct food contact, including a food or beverage product that is contained in a food package or to which a food package is applied, a packaging component of a food package, and plastic disposable gloves used in commercial or institutional food service.

(4) "Intentionally added" means the addition of a chemical in a product that serves an intended function in the product component.

(5) "Package" means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a shipping container. "Package" also means unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

(6) “Packaging component” means an individual assembled part of a package, such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

(7) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means the same as in section 1661 of this title.

(8) “Phthalates” means any member of the class of organic chemicals that are esters of phthalic acid containing two carbon chains located in the ortho position.

#### § 1672. FOOD PACKAGING

(a) A person shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package to which PFAS have been intentionally added in any amount.

(b) Pursuant to 3 V.S.A. chapter 25, the Department may adopt rules prohibiting a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package to which bisphenols have been intentionally added in any amount greater than an incidental presence.

(1) The Department may only prohibit a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package in accordance with subsection (a) of this section if the Department has determined that a safer alternative is readily available in sufficient quantity and at a comparable cost and that the safer alternative performs as well as or better than bisphenols in a specific application of bisphenols to a food package or the packaging component of a food package.

(2) If the Department prohibits a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package in accordance with subsection (a) of this section, the prohibition shall not take effect until two years after the Department determines that a safer alternative to bisphenols is available.

(c) A person shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package that includes inks, dyes, pigments, adhesives, stabilizers, coatings, plasticizers, or any other additives to which phthalates have been intentionally added in any amount greater than an incidental presence.

#### § 1673. CERTIFICATE OF COMPLIANCE

A manufacturer subject to the prohibitions under this chapter shall develop a certificate of compliance under this section. A certificate of compliance

attests that a manufacturer's product or products meet the requirements of this chapter. If the Department requests such a certificate, the manufacturer shall provide the certificate within 30 calendar days after the request is made.

§ 1674. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner of Health shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

\* \* \* Rugs and Carpets \* \* \*

Sec. 3. 18 V.S.A. chapter 33B is added to read:

CHAPTER 33B. RUGS AND CARPETS

§ 1681. DEFINITIONS

As used in this chapter:

(1) "Department" means the Department of Health.

(2) "Intentionally added" means the addition of a chemical in a product that serves an intended function in the product component.

(3) "Rug or carpet" means a thick fabric used to cover floors.

(4) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means the same as in section 1661 of this title.

§ 1682. RUGS AND CARPETS

A person shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a residential rug or carpet to which PFAS have been intentionally added in any amount.

§ 1683. CERTIFICATE OF COMPLIANCE

A manufacturer subject to the prohibitions under this chapter shall develop a certificate of compliance under this section. A certificate of compliance attests that a manufacturer's product or products meet the requirements of this chapter. If the Department requests such a certificate, the manufacturer shall provide the certificate within 30 calendar days after the request is made.

§ 1684. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

\* \* \* Chemicals of High Concern to Children \* \* \*

Sec. 4. 18 V.S.A. § 1773 is amended to read:

§ 1773. CHEMICALS OF HIGH CONCERN TO CHILDREN

(a) List of chemicals of high concern to children. The following chemicals or a member of a class of chemicals are designated as chemicals of high concern to children for the purposes of the requirements of this chapter:

\* \* \*

(67) Perfluoroalkyl and polyfluoroalkyl substances, the class for fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(68) Any other chemical designated by the Commissioner as a chemical of high concern to children by rule under section 1776 of this title.

\* \* \*

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

Sec. 5. EFFECTIVE DATES

This act shall take effect on July 1, 2020, except Secs. 1 (Class B Firefighting Foam) and 4 (Chemicals of High Concern to Children) shall take effect on July 1, 2021 and Secs. 2 (Food Packaging) and 3 (Rugs and Carpets) shall take effect on July 1, 2022.

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, and pending the question, Shall the bill be amended as recommended by the Committee on Health and Welfare?, Senator Rodgers moved that consideration be postponed.

Which was agreed to.

**Bill Amended; Third Reading Ordered**

**S. 301.**

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

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

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

Sec. 1. 30 V.S.A. § 248a(i) is amended to read:

(i) Sunset of Commission authority. Effective on July 1, ~~2020~~ 2025, no new applications for certificates of public good under this section may be considered by the Commission.

Sec. 2. REPORT ON CRITERIA

On or before February 1, 2021, the Public Utility Commission shall review the criteria used in awarding a certificate of public good under 30 V.S.A. § 248a and report to the Senate Committee on Finance and the House Committee on Energy and Technology any changes that should be made in light of the recent developments in telecommunications technology.

Sec. 3. 2019 Acts and Resolves No. 79, Sec. 25 is amended to read:

Sec. 25. OUTAGES AFFECTING E-911 SERVICE; REPORTING;  
RULE; E-911 BOARD

The E-911 Board shall adopt a rule establishing protocols for the E-911 Board to obtain or be apprised of, in a timely manner, system outages applicable to wireless service providers, providers of facilities-based, fixed voice service that is not line-powered and to electric companies for the purpose of enabling the E-911 Board to assess 911 service availability during such outages. An outage for purposes of this section includes any loss of E-911 calling capacity, whether caused by ~~lack of function of the telecommunications subscriber's backup power equipment, lack of function within a telecommunications provider's system network failure~~, or an outage in the electric power system. For purposes of this section, a network failure includes the failure of backup power equipment that is owned and controlled solely by the telecommunications provider. The rule shall incorporate the threshold criteria established under 47 C.F.R. Part 4, § 4.9(e) as it pertains to outage reporting requirements applicable to wireless service providers. The E-911 Board shall file a final proposed rule with the Secretary of State and with the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 841 on or before ~~February 1, 2020~~ September 30, 2020.

Sec. 4. OUTAGE REPORTING; LEGISLATIVE INTENT;  
RECOMMENDATION

The General Assembly recognizes that, with respect to outage reporting requirements applicable to wireless service providers, the federal threshold criteria established under 47 C.F.R. Part 4, § 4.9(e) may not provide data at a sufficient level of granularity to adequately inform the E-911 Board of outages that raise significant public safety concerns for Vermonters. However, the General Assembly also recognizes that more particularized reporting requirements will impose additional burdens on Vermont wireless service

providers. Accordingly, to the extent a wireless service provider has the capability of providing more granular outage data than is required under applicable FCC rules, such provider may voluntarily report that data to the E-911 Board. The E-911 Board shall review all outage data reported by wireless service providers and make a recommendation to the General Assembly on or before January 1, 2021 as to whether the threshold criteria should be adjusted in any manner to promote the public's health, safety, and security.

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to miscellaneous telecommunications changes.

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.

#### **Rules Suspended; Bills Messaged**

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

**S. 185, S. 337.**

#### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, May 20, 2020.

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#### **WEDNESDAY, MAY 20, 2020**

The Senate was called to order by the President.

#### **Devotional Exercises**

A moment of silence was observed in lieu of devotions.

#### **Roll Call**

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

Addison District

Senator Christopher A. Bray  
Senator Ruth Ellen Hardy



---

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

### **Bills Passed**

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

**S. 243.** An act relating to establishing the Emergency Service Provider Wellness Commission.

**S. 301.** An act relating to repealing the sunset on 30 V.S.A. § 248a.

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**Bill Passed in Concurrence with Proposals of Amendment****H. 947.**

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

An act relating to temporary municipal tax rate provisions in response to COVID-19.

**Consideration Resumed; Bill Amended; Third Reading Ordered****S. 295.**

Consideration was resumed on Senate bill entitled:

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

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Health and Welfare?, Senators McCormack and Lyons moved to amend the recommendation of amendment of the Committee on Health and Welfare as follows:

First: In Sec. 2, 18 V.S.A. chapter 33A, by striking out § 1672 in its entirety and inserting in lieu thereof a new § 1672 to read as follows:

§ 1672. FOOD PACKAGING

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package to which PFAS have been intentionally added in any amount.

(b) Pursuant to 3 V.S.A. chapter 25, the Department may adopt rules prohibiting a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package to which bisphenols have been intentionally added in any amount greater than an incidental presence.

(1) The Department may only prohibit a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package in accordance with subsection (a) of this section if the Department has determined that a safer alternative is readily available in sufficient quantity and at a comparable cost and that the safer alternative performs as well as or better than bisphenols in a specific application of bisphenols to a food package or the packaging component of a food package.

(2) If the Department prohibits a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package

or the packaging component of a food package in accordance with subsection (a) of this section, the prohibition shall not take effect until two years after the Department determines that a safer alternative to bisphenols is available.

(c) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package that includes inks, dyes, pigments, adhesives, stabilizers, coatings, plasticizers, or any other additives to which phthalates have been intentionally added in any amount greater than an incidental presence.

(d) This section shall not apply to the sale or resale of used products.

Second: In Sec. 3, 18 V.S.A. chapter 33B, by striking out § 1682 in its entirety and inserting in lieu thereof a new § 1682 to read as follows:

§ 1682. RUGS AND CARPETS

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a residential rug or carpet to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

Which was agreed to.

Thereupon, the recurring question, Shall the bill be amended as recommended by the Committee on Health and Welfare?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered.

**Bill Amended; Third Reading Ordered**

**S. 99.**

Senator White, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to spousal support and maintenance reform.

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

Sec. 1. 15 V.S.A. § 752 is amended to read:

§ 752. MAINTENANCE

(a) In an action under this chapter, the court may order either spouse to make maintenance payments, either rehabilitative or long term in nature, to the other spouse if it finds that the spouse seeking maintenance:

(1) lacks sufficient income or property, or both, including property apportioned in accordance with section 751 of this title, to provide for his or her reasonable needs; and

(2) is unable to support himself or herself through appropriate employment at the standard of living established during the civil marriage or is the custodian of a child of the parties.

(b) The maintenance order shall be in such amounts and for such periods of time as the court deems just, after considering all relevant factors, including:

(1) the financial resources of the party seeking maintenance, the property apportioned to the party, the party's ability to meet his or her needs independently, and the extent to which a provision for support of a child living with the party contains a sum for that party as custodian;

(2) the time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment;

(3) the standard of living established during the civil marriage;

(4) the duration of the civil marriage;

(5) the age and the physical and emotional condition of each spouse;

(6) the ability of the spouse from whom maintenance is sought to meet both his or her own reasonable needs while meeting those of the spouse seeking maintenance and those of the spouse seeking maintenance, taking into account the standard of living established during the civil marriage and the extent to which the parties must both fairly adjust their standards of living based on the creation and maintenance of separate households;

(7) inflation with relation to the cost of living;

(8) the impact of both parties reaching the age of eligibility to receive full retirement benefits under Title II of the federal Social Security Act or the parties' actual retirement, including any expected discrepancies in federal Social Security Retirement benefits; and

(9) the following guidelines:

Length of marriage	% of the difference between parties' gross incomes	Duration of alimony award as % <u>of</u> length of marriage
0 to <5 years	0–16%	No alimony or short-term alimony up to one year

5 to <10 years	12–29%	20–50% (1–5 yrs)
10 to <15 years	16–33%	40–60% (4–9 yrs)
15 to <20 years	20–37%	40–70% (6–14 yrs)
20+ years	24–41%	45% (9–20+ yrs)

Sec. 2. 15 V.S.A. § 758 is amended to read:

§ 758. REVISION OF JUDGMENT RELATING TO MAINTENANCE

On motion of either party and due notice, and upon a showing of a real, substantial, and unanticipated change of circumstances, the court may from time to time annul, vary, or modify a judgment relative to rehabilitative or long-term maintenance, whether or not such judgment relative to maintenance is based upon a stipulation or an agreement. The court may consider the remarriage of either party as a factor in whether there has been a showing of a real, substantial, and unanticipated change in circumstances. The party seeking a revision shall have the burden of proving the change in circumstances.

Sec. 3. REPEAL

2017 Acts and Resolves No. 60, Sec. 3, as amended by 2018 Acts and Resolves No. 203, Sec. 1, is repealed.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

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.

**Consideration Resumed; Bill Amended; Third Reading Ordered**

**S. 197.**

Consideration was resumed on Senate bill entitled:

An act relating to prohibiting discrimination based on genetic information.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Health and Welfare?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered.

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**Rules Suspended; Bills Messaged**

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

**S. 243, S. 301, H. 947.**

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, May 21, 2020.

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**THURSDAY, MAY 21, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Roll Call**

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

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

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

### Message from the House No. 46

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. 953.** An act relating to fiscal year 2020 supplemental budget adjustments.

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. 53.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

### Bill Referred

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

**H. 953.**

An act relating to fiscal year 2020 supplemental budget adjustments.

To the Committee on Appropriations.

### Bill Amended; Bill Passed

**S. 339.**

Senate bill entitled:

An act relating to miscellaneous changes to laws related to vehicles.

Was taken up.

Thereupon, pending third reading of the bill, Senators Perchlik, Ashe, Kitchel, Mazza and McNeil moved to amend the bill as follows:

First: By striking out Sec. 35, 23 V.S.A. § 2502, in its entirety and inserting in lieu thereof the following:

Sec. 35. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Unless the assessment of points is waived by a Superior judge or a Judicial Bureau hearing officer in the interests of justice and in accordance with subsection 2501(b) of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

(1) Two points assessed for:

\* \* \*

<u>(MM)</u>	<u>§ 1099(c)(3).</u>	<u>Texting outside work or school zone;</u>
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\* \* \*

(3) Four points assessed for:

\* \* \*

<u>(G)</u>	<u>§ 1099(c)(2).</u>	<u>Texting in work or school zone—first offense;</u>
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(4) Five points assessed for:

\* \* \*

<u>(C)</u>	<u>§ 1099(c)(2).</u>	<u>Texting <del>prohibited</del> in work or school zone—second and subsequent offense;</u>
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\* \* \*

Second: In Sec. 36, 23 V.S.A. § 1050, in subsection (b) in the subsection heading by striking out the words “Approaching law enforcement and emergency vehicles” and inserting in lieu thereof the following: Approaching law enforcement, emergency, and towing and repair vehicles



Third: By striking out Sec. 39, effective dates, and its corresponding reader assistance heading in their entireties and inserting in lieu thereof the following:

\* \* \* Transportation Network Companies; Preemption; Sunset Extension \* \* \*

Sec. 39. 23 V.S.A. § 754(b) is amended to read:

(b) Subsection (a) of this section shall not apply to a municipal ordinance, resolution, or bylaw regulating transportation network companies adopted by a municipality with a population of more than 35,000 residents based on the 2010 census and in effect on July 1, 2017. This subsection shall be repealed on July 1, ~~2020~~ 2022.

\* \* \* U.S. Postal Service; Vehicle Inspection; Sunset Repeal \* \* \*

Sec. 40. 2017 Acts and Resolves No. 71, Sec. 31(a)(4) is amended to read:

(4) ~~23 V.S.A. § 1222(e), added in Sec. 27 (inspections; mail carrier vehicles), shall be repealed on July 1, 2020. [Repealed.]~~

\* \* \* Automated License Plate Recognition Systems; Sunset Extension \* \* \*

Sec. 41. SUNSET EXTENSION

2013 Acts and Resolves No. 69, Sec. 3, subsection (b), as amended by 2015 Acts and Resolves No. 32, Sec. 1, as further amended by 2016 Acts and Resolves No. 169, Sec. 6 and 2018 Acts and Resolves No. 175, Sec. 1 (July 1, 2020 repeal of Automated License Plate Recognition System standards), is further amended to read:

(b) Secs. 1–2 of this act, 23 V.S.A. §§ 1607 and 1608, shall be repealed on July 1, ~~2020~~ 2022.

\* \* \* Translated Department of Motor Vehicle  
Documents and Use of Interpreters \* \* \*

Sec. 42. 2019 Acts and Resolves No. 60, Sec. 34(b) is amended to read:

(b) Secs. 23 (written forms) and 24 (examination required) shall take effect on ~~July 1~~ October 1, 2020.

\* \* \* Learner's Permits; Photographs \* \* \*

Sec. 43. 23 V.S.A. § 617(e) is amended to read:

(e)(1) A learner's permit, which is not a learner's permit for the operation of a motorcycle, shall contain a photograph or imaged likeness of the ~~person~~ individual if the permit is obtained in person. The photographic learner's permit shall be available at ~~a location~~ locations designated by the Commissioner. ~~A person~~

(2) An individual issued a permit under this subsection ~~that contains an imaged likeness~~ may renew his or her permit by mail. ~~Except that a renewal by or online, but~~ a permit holder who is required chooses to have a photograph or imaged likeness under this subsection must ~~be made~~ renew in person so that an updated imaged likeness of the ~~person~~ individual is obtained ~~no~~ not less often than once every ~~eight~~ nine years.

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

#### Sec. 44. EFFECTIVE DATES

(a) This section and Secs. 7 (U.S. Armed Forces license extensions; 23 V.S.A. § 616), 12 (school busses; 23 V.S.A. § 1283(a)), 14 (commercial vehicle exceptions; 23 V.S.A. § 1399), 13 (exempted vehicles; 23 V.S.A. § 2012), 17 (diesel fuel tax; 23 V.S.A. chapter 27), 18 (general gasoline tax; 23 V.S.A. chapter 28, subchapter 1), 19 (International Registration Plan; 23 V.S.A. chapter 35), 20 (fuel tax credits and refunds; 23 V.S.A. § 3020), 21 (registration credits and refunds; 23 V.S.A. § 3705), 22 (snowmobile certificate; 23 V.S.A. § 3206(b)), 23 (snowmobile penalties; 23 V.S.A. § 3207), 25 (commercial driver's license disqualifications; 23 V.S.A. § 4116), 26 (online truck permitting system), 27 (report on release of personal information), 28 (lighted paddle signaling devices; speed reduction practices), 39 (transportation network companies sunset extension; 23 V.S.A. § 754(b)), 40 (U.S. Postal Service vehicle inspection exemption sunset repeal; 23 V.S.A. § 1222(e)), 41 (automated license plate recognition systems sunset extension; 23 V.S.A. §§ 1607 and 1608), and 43 (learner's permits; 23 V.S.A. § 617(e)) shall take effect on passage.

(b) Sec. 11 (inspection of school buses; 23 V.S.A. § 1282) shall take effect on September 1, 2020.

(c) Sec. 4 (electronic in-transit permit; 23 V.S.A. § 518) shall take effect on July 1, 2021.

(d) All other sections shall take effect on July 1, 2020.

Which was agreed to.

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

#### **Bills Passed**

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

**S. 99.** An act relating to spousal support and maintenance reform.

**S. 197.** An act relating to prohibiting discrimination based on genetic information.

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**Rules Suspended; Bills Messaged**

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

**S. 99, S. 197, S. 339.**

**Adjournment**

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

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**FRIDAY, MAY 22, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Roll Call**

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

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

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

**Bill Amended; Bill Passed**

**S. 234.**

Senate bill entitled:

An act relating to miscellaneous judiciary procedures.

Was taken up.

Thereupon, pending third reading of the bill, Senator Nitka moved to amend the bill by striking out Sec. 22, 24 V.S.A. § 1981, in its entirety

And by renumbering the remaining sections to be numerically correct.

Which was agreed to.

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

**Bill Amended; Bill Passed**

**S. 295.**

Senate bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senator McCormack moved to amend the bill by in Sec. 2, 18 V.S.A. chapter 33A, § 1672, subsection (b), subdivisions (1) and (2), by striking out the following: “subsection (a) of this section” and inserting in lieu thereof the following: this subsection in both instances in which it appears.

Which was agreed to.

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

**Rules Suspended; Bill Amended; Third Reading Ordered**

**S. 125.**

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

An act relating to Vermont's adoption of the interstate Nurse Licensure Compact.

Was taken up for immediate consideration.

Senator Lyons, for the Committee on Health and Welfare, to which the bill was referred, reported recommending that the bill be amended in Sec. 2 by striking out the following: "December 1, 2019" and inserting in lieu thereof the following: February 1, 2021

And that when so amended the bill ought to pass.

Senator Cummings, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass when so amended.

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.

**Rules Suspended; Bills Messaged**

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

**S. 234, S. 295.**

**Message from the House No. 47**

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 House bills of the following titles:

**H. 673.** An act relating to tree wardens.

**H. 954.** An act relating to miscellaneous tax provisions.

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

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

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

**S. 255.** An act relating to captive insurance.

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

### **Adjournment**

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, May 26, 2020, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 53.

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### **TUESDAY, MAY 26, 2020**

The Senate was called to order by the President.

### **Devotional Exercises**

A moment of silence was observed in lieu of devotions.

### **Pledge of Allegiance**

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

### **Roll Call**

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

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

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

### Joint Resolution Placed on Calendar

#### J.R.S. 54.

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

By the Committee on Institutions,

**J.R.S. 54.** Joint resolution relating to the annual State lands transactions.

*Whereas*, in 1964, in order to provide access, including public access, from Route 155 to the Okemo State Forest in the Town of Mount Holly, the State of Vermont acquired fee ownership of a 50-foot strip of land across three privately owned parcels, and

*Whereas*, two of the parcels' owners, in order to access their respective parcels, have secured an easement across the State-owned strip, and

*Whereas*, the third parcel's owner, Yale University, included in its deed to the State a contingency clause, which has never been acted upon, for an access easement across the State's parcel, and the Commissioner of Forests, Parks and Recreation now seeks to grant an easement to Yale University for access to the University's land, and

*Whereas*, the deeded description of the 50-foot strip of land that the owners of the Coleman, Barber, and Yale University parcels conveyed to the State of

Vermont contains scrivener's errors and omits courses and distances, creating confusion as to the location of the rights-of-way conveyed to the owners of the Coleman and Barber parcels and of the right-of-way to be conveyed to Yale University, which the Department desires to correct through the exchange or conveyance of corrective deeds, and

*Whereas*, in September of 2018, Michael and Pamela Kingman filed a civil suit against the State of Vermont seeking a declaratory judgement to determine the boundary line between their land and the northern terminus of Branbury State Park in the Town of Salisbury, and

*Whereas*, the parties have executed a settlement agreement and release of the civil law suit, involving the exchange of quitclaim deeds, the establishment of a new boundary line, and the relinquishment of any claimed rights of Michael and Pamela Kingman to the south of the line and of the State to the north of the line, and

*Whereas*, 10 V.S.A. § 2606(b) provides that the Commissioner of Forests, Parks and Recreation may "sell, convey, exchange, or lease lands, or interests in land, or may amend deeds, leases, and easement interests," with the approval of the General Assembly, *now therefore be it*

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

That the Commissioner of Forests, Parks and Recreation is authorized to convey a right-of-way easement to Yale University across a fifty-foot strip of land in the Town of Mount Holly that is located beginning at a point on the edge of State Highway 155 and traverses the Coleman parcel to the boundary with the Yale University parcel and that Yale University shall use the right-of-way exclusively to access its land. The Department of Forests, Parks and Recreation shall reserve for itself and its successors, licensees, and assigns, the right to use this easement, in common with Yale University, for any type of forest management activity, including those that involve the use of vehicles and equipment, and for public recreational access to Okemo State Forest, including for snowmobiling and cross-country skiing. Forest management uses shall be a priority to which all other uses shall be subordinate, *and be it further*

***Resolved:*** That the Commissioner of Forests, Parks and Recreation may exchange or convey corrective deeds to the owners or successors of the Coleman, Barber, and Yale University parcels abutting or adjacent to Okemo State Forest to correct scrivener's errors in the description of the 50-foot strip of land and right-of-way, and be it further

***Resolved:*** That the Commissioner of Forests, Parks and Recreation may exchange quitclaim deeds with Michael and Pamela Kingman for all rights,



title, and interests in certain lands in the Town of Salisbury on the northern and southern sides of an agreed-upon boundary line, *and be it further*

**Resolved:** That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation.

Thereupon, under the rules, the joint resolution was placed on the Calendar for notice the next legislative day.

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

#### **J.R.S. 55.**

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. 55.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Thursday, May 28, 2020, or, Friday, May 29, 2020, it be to meet again no later than Tuesday, June 2, 2020.

### **Bills Referred**

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

#### **H. 673.**

An act relating to tree wardens.

To the Committee on Natural Resources and Energy.

#### **H. 954.**

An act relating to miscellaneous tax provisions.

To the Committee on Finance.

#### **H. 957.**

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

To the Committee on Education.

### **Rules Suspended; Proposal of Amendment; Third Reading Ordered**

#### **H. 951.**

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

An act relating to the municipal emergency statewide education property tax borrowing program.

Was taken up for immediate consideration.

Senator Sears, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. MUNICIPAL EMERGENCY STATEWIDE EDUCATION  
PROPERTY TAX BORROWING PROGRAM

(a) Intent. It is the intent of the General Assembly to establish a program to assist municipalities required to make a short-term borrowing to manage the cash flow effects of statewide education property tax deferrals or delays in receipt of such taxes by municipalities as a result of the COVID-19 pandemic. This program shall be administered in a way that is consistent with section 5001 of Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116–136 (the CARES Act) and any guidance or regulations issued pursuant to that section, and that allows the State to recover, to the maximum extent possible, the short-term borrowing costs payable to municipalities from the Coronavirus Relief Fund established by section 5001 of the CARES Act, as may be amended, or any other federal funds that may be granted to the State and used to reimburse short-term borrowing costs.

(b) Definitions. As used in this section:

(1) “Municipality” means a city, town, incorporated village, the unorganized towns and gores of Essex County, and Buel’s Gore.

(2) “Short-term borrowing costs” means interest incurred for short-term borrowing directly attributable to the COVID-19 pandemic, including interest on letters or lines of credit, revenue anticipation notes, tax anticipation notes, and bond anticipation notes. “Short-term borrowing costs” does not mean the principal payments of any borrowing or any interest on borrowing not directly attributable to the COVID-19 pandemic.

(c) Program. The Municipal Emergency Statewide Education Property Tax Borrowing Program is established to authorize the State Treasurer to make payments to municipalities to cover the short-term borrowing costs incurred that are attributable to the COVID-19 pandemic.

(d) Application. A municipality that has duly authorized a short-term borrowing directly attributable to the COVID-19 pandemic may apply to the State Treasurer for payment under the Program. The application shall be in the manner prescribed by the Treasurer and shall include, at a minimum:

(1) the amount and type of short-term borrowing costs that the municipality seeks to have reimbursed;

(2) the municipality's 2020 tax collection date;

(3) an explanation, with supporting documentation, of the municipality's under-collection or delay in statewide education property tax collection attributable to COVID-19; and

(4) certification by the municipality, and supporting documentation, that such costs meet the definition of short-term borrowing as defined in subdivision (b)(2) of this section and the eligibility criteria as defined in subsection (e) of this section.

(e) Eligibility. Payments under the Program shall be available only to a municipality, as that term is defined in subdivision (b)(1) of this section, subject to the following criteria:

(1) Short-term borrowing costs were not included in the municipality's budget or any amendment to the budget enacted on or prior to March 27, 2020.

(2) Short-term borrowing costs were incurred during the period beginning on March 1, 2020 and ending on December 30, 2020.

(3) The borrowing was made for the purpose of managing the cash flow effects of statewide education property tax deferrals or delays as a direct result of the COVID-19 pandemic.

(4) The expenses must be consistent with use of funds authorized in section 5001 of the CARES Act, as may be amended, or the requirements of any other federal funds that may be granted to the State and used to support the Program.

(5) Any borrowing interest must be commercially reasonable based on published municipal indices or prevailing bank rates.

(f) Administration.

(1) The Treasurer shall specify the form of certification to the municipalities not later than seven days after enactment of this act and begin accepting applications not later than ten days after enactment of this act.

(2) The Treasurer may be reimbursed for any expenditure made in the administration of the provisions of this section.

(g) Records. A municipality shall keep records sufficient to demonstrate that the amount of payments to the municipality has been used in accordance with this section.

Sec. 2. MUNICIPAL EMERGENCY STATEWIDE EDUCATION  
PROPERTY TAX BORROWING; APPROPRIATION

The sum of up to \$2,700,000.00 is appropriated in FY 2020 from the Coronavirus Relief Fund to the Office of the State Treasurer for use in FY 2020 and FY 2021 for the purpose of providing payments under the Municipal Emergency Statewide Education Property Tax Borrowing Program described in Sec. 1 of this act. Any appropriation amount carried forward to FY 2021 under this section shall revert to the Coronavirus Relief Fund after all eligible short-term borrowing costs incurred through December 30, 2020 have been expended.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to the municipal emergency statewide education property tax borrowing program.

And that when so amended the bill ought to pass in concurrence with 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.

**Rules Suspended; Proposal of Amendment; Third Reading Ordered**

**H. 953.**

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

An act relating to fiscal year 2020 supplemental budget adjustments.

Was taken up for immediate consideration.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2019 Acts and Resolves No. 72, Sec. B.138 is amended to read:

Sec. B.138 Renter rebate

Grants	<u>9,500,000</u>	<u>8,100,000</u>
Total	<u>9,500,000</u>	<u>8,100,000</u>

Source of funds		
General fund	<u>9,500,000</u>	<u>8,100,000</u>
Total	<u>9,500,000</u>	<u>8,100,000</u>

Sec. 2. 2019 Acts and Resolves No. 72, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds		
General fund	93,659,436	92,266,436
Transportation fund	4,019,636	4,019,636
Special funds	14,959,116	14,959,116
Federal funds	1,116,678	1,116,678
Internal service funds	125,854,235	125,854,235
Interdepartmental transfers	7,215,255	7,215,255
Enterprise funds	23,052	23,052
Pension trust funds	9,704,432	9,704,432
Private purpose trust funds	<u>1,125,701</u>	<u>1,125,701</u>
Total	<u>257,677,541</u>	<u>256,284,541</u>

Sec. 3. 2019 Acts and Resolves No. 72, Sec. B.219 as amended by 2020 Acts and Resolves No. 88, Sec. 9 is further amended to read:

Sec. B.219 Military - veterans' affairs

Personal services	833,614	833,614
Operating expenses	173,955	173,955
Grants	<u>43,300</u>	<u>33,300</u>
Total	<u>1,050,869</u>	<u>1,040,869</u>

Source of funds		
General fund	803,651	793,651
Special funds	147,218	147,218
Federal funds	<u>100,000</u>	<u>100,000</u>
Total	<u>1,050,869</u>	<u>1,040,869</u>

Sec. 4. 2019 Acts and Resolves No. 72, Sec. B.240 as amended by 2020 Acts and Resolves No. 88, Sec. 10 is further amended to read:

Sec. B.240 Total protection to persons and property

Source of funds		
General fund	164,720,860	164,710,860
Transportation fund	20,250,000	20,250,000
Special funds	88,767,278	88,767,278
Tobacco fund	561,843	561,843
Federal funds	54,587,748	54,587,748
ARRA funds	921,260	921,260
Interdepartmental transfers	14,655,414	14,655,414

Enterprise funds	<u>11,472,400</u>	<u>11,472,400</u>
Total	<u>355,936,803</u>	<u>355,926,803</u>

Sec. 5. 2019 Acts and Resolves No. 72, Sec. B.301 as amended by 2020 Acts and Resolves No. 88, Sec. 12 is further amended to read:

Sec. B.301 Secretary's office - global commitment

Operating expenses	3,150,212	3,150,212
Grants	<u>1,630,119,013</u>	<u>1,629,912,361</u>
Total	<u>1,633,269,225</u>	<u>1,633,062,573</u>
Source of funds		
General fund	<u>557,208,815</u>	513,632,278
Special funds	<u>34,969,169</u>	44,969,169
Tobacco fund	21,049,373	21,049,373
State health care resources fund	21,101,110	22,601,110
Federal funds	<u>983,572,979</u>	1,015,442,864
Interdepartmental transfers	<u>15,367,779</u>	<u>25,367,779</u>
Total	<u>1,633,269,225</u>	<u>1,633,062,573</u>

Sec. 6. 2019 Acts and Resolves No. 72, Sec. B.306 as amended by 2020 Acts and Resolves No. 88, Sec. 14 is further amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	140,308,825	140,308,825
Operating expenses	29,905,859	29,905,859
Grants	<u>6,764,723</u>	<u>6,764,723</u>
Total	176,979,407	176,979,407
Source of funds		
General fund	<u>32,242,529</u>	32,228,890
Special funds	6,096,108	6,096,108
Federal funds	<u>124,749,165</u>	124,735,526
Global Commitment fund	9,369,215	9,369,215
Interdepartmental transfers	<u>4,522,390</u>	<u>4,549,668</u>
Total	176,979,407	176,979,407

Sec. 7. 2019 Acts and Resolves No. 72, Sec. B.307 as amended by 2020 Acts and Resolves No. 88, Sec. 15 is further amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Personal services	547,983	547,983
Grants	<u>725,790,989</u>	<u>718,744,003</u>
Total	<u>726,338,972</u>	<u>719,291,986</u>
Source of funds		

Global Commitment fund	<u>726,338,972</u>	719,291,986
Total	<u>726,338,972</u>	719,291,986

Sec. 8. 2019 Acts and Resolves No. 72, Sec. B.309 as amended by 2020 Acts and Resolves No. 88, Sec. 17 is further amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>53,864,800</u>	49,128,572
Total	<u>53,864,800</u>	49,128,572
Source of funds		
General fund	42,034,845	39,150,622
Global Commitment fund	11,829,955	9,892,450
Enterprise funds	<u>0</u>	<u>85,500</u>
Total	<u>53,864,800</u>	49,128,572

Sec. 9. 2019 Acts and Resolves No. 72, Sec. B.310 as amended by 2020 Acts and Resolves No. 88, Sec. 18 is further amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>33,297,789</u>	33,076,106
Total	<u>33,297,789</u>	33,076,106
Source of funds		
General fund	12,140,974	11,896,989
Federal funds	<u>21,157,815</u>	<u>21,179,117</u>
Total	<u>33,297,789</u>	33,076,106

Sec. 10. 2019 Acts and Resolves No. 72, Sec. B.313 is amended to read:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	4,363,807	4,363,807
Operating expenses	255,634	255,634
Grants	<u>51,538,398</u>	<u>50,316,237</u>
Total	<u>56,157,839</u>	54,935,678
Source of funds		
General fund	1,946,686	1,946,686
Special funds	1,170,177	1,170,177
Tobacco fund	949,917	949,917
Federal funds	17,574,970	17,574,970
Global Commitment fund	<u>34,516,089</u>	<u>33,293,928</u>
Total	<u>56,157,839</u>	54,935,678

Sec. 11. 2019 Acts and Resolves No. 72, Sec. B.314 as amended by 2020 Acts and Resolves No. 88, Sec. 19 is further amended to read:

## Sec. B.314 Mental health - mental health

Personal services	32,137,652	32,342,021
Operating expenses	4,434,083	4,434,083
Grants	<u>237,094,507</u>	<u>237,759,022</u>
Total	<u>273,666,242</u>	274,535,126
Source of funds		
General fund	7,699,658	7,699,658
Special funds	1,684,904	1,480,535
Federal funds	<u>9,132,390</u>	10,205,643
Global Commitment fund	255,076,042	255,076,042
Interdepartmental transfers	<u>73,248</u>	<u>73,248</u>
Total	<u>273,666,242</u>	274,535,126

Sec. 12. 2019 Acts and Resolves No. 72, Sec. B.318 as amended by 2020 Acts and Resolves No. 88, Sec. 22 is further amended to read:

## Sec. B.318 Department for children and families - child development

Personal services	4,618,948	4,618,948
Operating expenses	1,031,325	1,031,325
Grants	<u>79,924,977</u>	<u>84,335,043</u>
Total	<u>85,575,250</u>	89,985,316
Source of funds		
General fund	39,843,744	39,843,744
Special funds	1,820,000	1,820,000
Federal funds	<u>33,144,045</u>	37,554,111
Global Commitment fund	10,744,961	10,744,961
Interdepartmental transfers	<u>22,500</u>	<u>22,500</u>
Total	<u>85,575,250</u>	89,985,316

Sec. 13. 2019 Acts and Resolves No. 72, Sec. B.325 as amended by 2020 Acts and Resolves No. 88, Sec. 26 is further amended to read:

## Sec. B.325 Department for children and families - office of economic opportunity

Personal services	522,340	522,340
Operating expenses	43,673	43,673
Grants	<u>10,137,256</u>	<u>12,471,323</u>
Total	<u>10,703,269</u>	13,037,336
Source of funds		
General fund	5,037,111	5,037,111
Special funds	57,990	57,990
Federal funds	<u>4,778,480</u>	7,112,547



Global Commitment fund	<u>829,688</u>	<u>829,688</u>
Total	<u>10,703,269</u>	<u>13,037,336</u>

Sec. 14. 2019 Acts and Resolves No. 72, Sec. B.346 as amended by 2020 Acts and Resolves No. 88, Sec. 34 is further amended to read:

Sec. B.346 Total human services

Source of funds

General fund	<u>1,007,088,907</u>	<u>960,370,523</u>
Special funds	<u>123,986,513</u>	<u>123,782,144</u>
Tobacco fund	<u>23,088,208</u>	<u>23,088,208</u>
State health care resources fund	<u>21,101,110</u>	<u>22,601,110</u>
Federal funds	<u>1,424,376,911</u>	<u>1,464,072,845</u>
Global Commitment fund	<u>1,593,280,128</u>	<u>1,583,073,476</u>
Internal service funds	<u>2,035,610</u>	<u>2,035,610</u>
Interdepartmental transfers	<u>36,346,190</u>	<u>46,373,468</u>
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Enterprise funds	<u>0</u>	<u>85,500</u>
Total	<u>4,231,328,577</u>	<u>4,225,507,884</u>

Sec. 15. 2019 Acts and Resolves No. 72, Sec. B.711 is amended to read:

Sec. B.711 Environmental conservation - office of water programs

Personal services	<u>21,732,819</u>	<u>21,732,819</u>
Operating expenses	<u>6,821,783</u>	<u>6,821,783</u>
Grants	<u>32,104,881</u>	<u>31,354,321</u>
Total	<u>60,659,483</u>	<u>59,908,923</u>

Source of funds

General fund	<u>7,994,351</u>	<u>7,994,351</u>
Special funds	<u>19,641,195</u>	<u>18,890,635</u>
Federal funds	<u>31,935,599</u>	<u>31,935,599</u>
Interdepartmental transfers	<u>1,088,338</u>	<u>1,088,338</u>
Total	<u>60,659,483</u>	<u>59,908,923</u>

Sec. 16. 2019 Acts and Resolves No. 72, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Source of funds

General fund	<u>29,608,969</u>	<u>29,608,969</u>
Special funds	<u>60,039,636</u>	<u>59,289,076</u>
Fish and wildlife fund	<u>9,236,567</u>	<u>9,236,567</u>
Federal funds	<u>54,971,917</u>	<u>54,971,917</u>
Interdepartmental transfers	<u>10,178,254</u>	<u>10,178,254</u>

Permanent trust funds	<u>60,000</u>	<u>60,000</u>
Total	<del>164,095,343</del>	163,344,783

Sec. 17. 2019 Acts and Resolves No. 72, Sec. B.802 is amended to read:

Sec. B.802 Housing & community development

Personal services	3,723,802	3,723,802
Operating expenses	779,039	779,039
Grants	<u>11,773,050</u>	<u>11,673,050</u>
Total	<u>16,275,891</u>	16,175,891
Source of funds		
General fund	2,753,913	2,753,913
Special funds	<del>5,185,233</del>	5,085,233
Federal funds	7,883,744	7,883,744
Interdepartmental transfers	<u>453,001</u>	<u>453,001</u>
Total	<u>16,275,891</u>	16,175,891

Sec. 18. 2019 Acts and Resolves No. 72, Sec. B.813 as amended by 2020 Acts and Resolves No. 88, Sec. 38 is further amended to read:

Sec. B.813 Total commerce and community development

Source of funds		
General fund	16,529,933	16,529,933
Special funds	<del>18,730,826</del>	18,630,826
Federal funds	30,578,334	30,578,334
Interdepartmental transfers	<u>522,588</u>	<u>522,588</u>
Total	<u>66,361,681</u>	66,261,681

Sec. 19. 2019 Acts and Resolves No. 72, Sec. B.902 is amended to read:

Sec. B.902 Transportation - buildings

Operating expenses	<u>907,746</u>	<u>307,746</u>
Total	<u>907,746</u>	307,746
Source of funds		
Transportation fund	<u>907,746</u>	<u>307,746</u>
Total	<u>907,746</u>	307,746

Sec. 20. 2019 Acts and Resolves No. 72, Sec. B.903 as amended by 2020 Acts and Resolves No. 88, Sec. 39 is further amended to read:

Sec. B.903 Transportation - program development

Personal services	53,367,048	53,367,048
Operating expenses	217,771,750	217,771,750
Grants	<u>27,258,553</u>	<u>27,258,553</u>
Total	<u>298,397,351</u>	298,397,351

Source of funds		
Transportation fund	40,775,234	41,675,234
TIB fund	12,955,317	12,055,317
Federal funds	244,272,581	244,272,581
Interdepartmental transfers	191,790	191,790
Local match	<u>202,429</u>	<u>202,429</u>
Total	298,397,351	298,397,351

Sec. 21. 2019 Acts and Resolves No. 72, Sec. B.914 is amended to read:

Sec. B.914 Transportation - town highway bridges

Personal services	3,239,423	3,239,423
Operating expenses	10,143,100	9,843,100
Grants	<u>451,328</u>	<u>451,328</u>
Total	<del>13,833,851</del>	13,533,851

Source of funds		
Transportation fund	1,304,648	1,004,648
TIB fund	701,815	701,815
Federal funds	10,887,721	10,887,721
Local match	<u>939,667</u>	<u>939,667</u>
Total	<del>13,833,851</del>	13,533,851

Sec. 22. 2019 Acts and Resolves No. 72, Sec. B.919 is amended to read:

Sec. B.919 Transportation - municipal mitigation assistance program

Operating expenses	204,000	204,000
Grants	<u>2,694,000</u>	<u>2,576,515</u>
Total	<del>2,898,000</del>	2,780,515

Source of funds		
Transportation fund	700,000	700,000
Special funds	<del>770,000</del>	652,515
Federal funds	<u>1,428,000</u>	<u>1,428,000</u>
Total	<del>2,898,000</del>	2,780,515

Sec. 23. 2019 Acts and Resolves No. 72, Sec. B.922 as amended by 2020 Acts and Resolves No. 88, Sec. 42 is further amended to read:

Sec. B.922 Total transportation

Source of funds		
Transportation fund	256,457,422	256,457,422
TIB fund	14,417,132	13,517,132
Special funds	1,410,000	1,292,515
Federal funds	319,145,747	319,145,747
Internal service funds	20,112,038	20,112,038

Interdepartmental transfers	1,789,815	1,789,815
Local match	1,142,096	1,142,096
Total	614,474,250	613,456,765

Sec. 24. 2019 Acts and Resolves No. 72, Sec. E.219 as amended by 2020 Acts and Resolves No. 88, Sec. 53 is further amended to read:

Sec. E.219 Military – veterans’ affairs

(a) Of this appropriation, \$1,000 shall be used for continuation of the Vermont Medal Program; \$4,800 shall be used for the expenses of the Governor’s Veterans’ Advisory Council; and \$5,000 shall be used for the Military, Family, and Community Network; ~~and \$10,000 shall be granted to the American Legion for the Boys’ State and Girls’ State programs.~~

Sec. 25. 2019 Acts and Resolves No. 72, Sec. E.905 as amended by 2020 Acts and Resolves No. 88, Sec. 58 is further amended to read:

Sec. E.905 SUPPLEMENTAL MAINTENANCE OR PROJECT SPENDING

~~(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2020 Transportation Program, the Secretary of Transportation, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer up to \$3,000,000.00 in Transportation Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2 roadway programs as follows:~~

~~(1) to the Transportation – Maintenance State System (8100002000) appropriation, for the specific purpose of addressing the overall cost of highway maintenance during fiscal year 2020.~~

~~(2) to the Transportation – Program Development (8100001100) appropriation, for the specific purpose of averting delays to project schedules.~~

~~(b)(1) If a contemplated transfer of an appropriation would not significantly delay the planned work schedule of a project, the Secretary may execute the transfer and shall give prompt notice thereof to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Fiscal Office and the Joint Transportation Oversight Committee.~~

~~(2) If a contemplated transfer of an appropriation would, by itself, significantly delay the planned work schedule of a project, the Secretary:~~

~~(A) when the General Assembly is in session, may execute the transfer, but shall give the House and Senate Committees on Transportation advance notice of at least 10 business days prior to executing the transfer; or~~

~~(B) when the General Assembly is not in session, may execute the transfer, but shall give prompt notice of the transfer to the Joint Fiscal Office and the Joint Transportation Oversight Committee.~~

~~(c) In July 2020, the Secretary of Administration shall report all appropriations reductions made under the authority of this section to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee. [Repealed.]~~

Sec. 26. CORONAVIRUS PANDEMIC RESPONSE HUMAN SERVICES;  
FEDERAL FUNDS AUTHORIZATION

(a) The Agency of Human Services estimates \$6,117,944 of expenses will be incurred related to the coronavirus pandemic and COVID-19 emergency response for the provision of emergency food assistance and costs for establishing isolation housing and recovery options for vulnerable populations with potential COVID-19 disease or exposure. These expenses also include rent, staffing, security, supplies, and telemedicine capacity.

(b) In fiscal year 2020, the Agency of Human Services is authorized to expend FEMA funds for 75% Federal Emergency Management Agency reimbursement for these incurred expenditures. State matching funds have been authorized in the May 11, 2020 Joint Fiscal Committee approved plan for the Coronavirus Relief Fund.

Sec. 27. APPROPRIATION USE REPORTING REQUIREMENT

(a) The Agency of Human Service shall report to the Joint Fiscal Committee in August 2020 on the use of the funds appropriated from the Agency of Human Services Central Office earned federal receipts via Interdepartmental transfers appropriated in Sec. 5 of this act by further amending 2019 Acts and Resolves No. 72, Sec. B.301.

Sec. 27a. 2019 Acts and Resolves No. 72, Sec. E.301 as amended by 2020 Acts and Resolves No. 88, Sec. 55 is further amended to read:

Sec. E.301 Secretary's Office – Global Commitment

\* \* \*

(c) Up to \$15,400,000 \$25,367,779 is transferred from the Agency of Human Services Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 – Secretary's Office – global commitment of this act.

Sec. 28. 2019 Acts and Resolves No. 72, Sec. D.101 as amended by 2020 Acts and Resolves No. 88, Sec. 45 is further amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

\* \* \*

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2020:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

21405	<u>Bond Investment Earnings</u>		<u>2,738,248.00</u>
21923	Historic Property Stab & Rehab		32,917.00
22005	AHS Central Office earned federal receipts		15,874,593.00
50300	Liquor Control Fund	<del>18,370,000.00</del>	<u>23,000,000.00</u>
50400	<u>Vermont Life Magazine Fund</u>		<u>375,000.00</u>
62100	Unclaimed Property Fund	<del>2,889,512.00</del>	<u>3,470,512.00</u>
	Caledonia Fair		5,000.00
	North Country Hospital Loan		24,047.30

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund in fiscal year 2020. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

21638	AG-Fees & Reimbursements-Court Order	<del>2,000,000.00</del>	<u>4,000,000.00</u>
21928	Secretary of State Services Fund	<del>2,032,817.00</del>	<u>2,432,817.00</u>

(3) In fiscal year 2020, notwithstanding 2016 Acts and Resolves No. 172, Sec. E.228, ~~\$33,104,193~~ \$36,104,193 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), and the Securities Regulatory and Supervision Fund (Fund Number 21080) shall be transferred to the General Fund.

(4) The following amounts shall be transferred from the General Fund to the funds indicated:

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21370 Tobacco Litigation Settlement Fund	1,500,000.00
21555 Emergency Relief and Assistance Fund	1,476,322.00
56100 Workers' Compensation Fund	2,715,144.00
56200 State Liability Insurance Fund	2,323,899.00
56300 Risk Management – all other insurance	128,000.00
58600 Equipment Revolving Fund	581,928.00

(A) Of the amount transferred to the Emergency Relief and Assistance Fund, \$865,000 is intended to meet additional projected funding needs for fiscal year 2020, and the remainder is to be applied toward prefunding projected needs for fiscal year 2021.

(B) Of the amount transferred to the Equipment Revolving Fund, \$581,928 shall be for the intended purpose of establishing revolving loans for Information Technology needs and shall be tracked and reported separately from other Equipment Revolving Fund activity.

\* \* \*

(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. In fiscal year 2020, any unreserved and undesignated end of fiscal year General Fund surplus remaining after satisfying the requirements of 32 V.S.A. § 308 and notwithstanding 32 V.S.A. § 308c shall remain in the General Fund and available for appropriation in fiscal year 2021.

#### Sec. 29. USE OF GENERAL FUND RESERVES FOR FISCAL YEAR 2020 FINANCIAL CLOSE OUT

(a) To the extent funds are required to close the General Fund in balance for fiscal year 2020, the following amounts are unreserved:

(1) First, notwithstanding 32 V.S.A. § 308c, up to \$31,553,274 is unreserved from the General Fund Balance Reserve (aka Rainy Day Fund).

(2) Second, notwithstanding 32 V.S.A § 308, up to \$79,823,411 is unreserved from the General Fund Budget Stabilization Reserve.

(3) Finally, notwithstanding 32 V.S.A. § 308c, up to \$98,236,983 is unreserved from Human Services Caseload Reserve.

(b) Should federal fiscal assistance to states become available, including the ability for utilization of interfund borrowing from the Coronavirus Relief Fund that would allow for the use of such federal funding to be directly applied to the General Fund or applied to fiscal year 2020 General Fund

expenditures, such funds shall be applied as allowed to reduce or eliminate the need to utilize the provisions of subsection (a) of this section.

Sec. 30. APPLICATION OF FISCAL YEAR 2020 DEFERRED TAX  
PAYMENTS COLLECTED IN FISCAL YEAR 2021

(a) To the extent that tax payments that were due to the State in fiscal year 2020 but were deferred as a result of state and federal emergency action taken in response to the Coronavirus Pandemic are received into the General Fund through August 15, 2020, funds from such payments shall be transferred or reserved as follows:

(1) First, to the extent any interfund loan was made from the Coronavirus Relief Fund under the provision of Sec. 29(b) of this act, in an amount to repay the balance of the interfund loan.

(2) Second, in the Human Services Caseload Reserve, in an amount to bring this reserve balance up to \$98,236,983.

(3) Third, in the General Fund Budget Stabilization Reserve, in an amount to bring this reserve balance up to \$81,472,791.

(4) Fourth, in General Fund Balance Reserve (aka Rainy Day Fund), in an amount to bring this reserve balance up to \$31,553,274.

(5) Finally, any additional amounts received from such payments shall remain available in the General Fund for appropriation in fiscal year 2021.

Sec. 31. FISCAL YEAR 2020 CLOSE OUT APPROPRIATION TRANSFER  
AUTHORITY

(a) Notwithstanding 32 V.S.A. § 706, in order to facilitate fiscal year 2020 financial closure of the State, the Commissioner of Finance and Management may, upon approval of the Governor, transfer fiscal year 2020 balances of appropriations up to \$250,000, and, upon approval of the Emergency Board, transfer fiscal year 2020 balances at or over \$250,000 made under any appropriation act for the support of the government from one component of an agency, department, or other unit of the Executive Branch of State government, to any component of the same agency, department, or unit. The Commissioner shall provide a report on all transfers made under the provisions of this subsection to the Joint Fiscal Committee in August 2020.

(b) Notwithstanding any other act or provision of law, the Legislative Branch of State government, in order to facilitate fiscal year 2020 financial closure of the Legislative Branch budgets, may transfer up to \$250,000 between appropriation units within the Legislative Branch.



Sec. 32. 2020 Acts and Resolves No. 88, Sec. 49 is amended to read:

Sec. 49. FISCAL YEAR 2020 ONE-TIME GENERAL FUND  
APPROPRIATIONS

(a) In fiscal year 2020, the sum of \$370,000 is appropriated to the Secretary of Administration for distribution to departments to provide funding for the fiscal year 2020 change to the Vermont State Employees' Retirement System's employer contribution rate.

~~(b) In fiscal year 2020, the sum of \$25,000 is appropriated to the Agency of Commerce and Community Development for the commissioning of the USS Vermont.~~

(e) In fiscal year 2020, the sum of \$450,000 is appropriated to the Secretary of State for calendar year 2020 general election expenditures.

Sec. 33. VERMONT STUDENT ASSISTANCE CORPORATION; INTENT

(a) It is the intent of the General Assembly in fiscal year 2021 to fund the Vermont Student Assistance Corporation base appropriation at the level of \$19,978,588 for the 2020–2021 academic year.

Sec. 34. MEDICAID NON-EMERGENCY TRANSPORTATION

(a) In fiscal year 2021, prior to executing a contract to provide Medicaid Non-Emergency Transportation services, the Department of Vermont Health Access shall provide to the Joint Fiscal Committee for review and approval a detailed analysis demonstrating that by executing such a contract:

(1) no State policy, including the coordinated delivery of transportation services in the Elders and Persons with Disability program and the Medicaid Non-Emergency Transportation program, will be compromised;

(2) there will be no degradation of service to eligible individuals; and

(3) the financial stability of the State's public transportation systems will be maintained.

(b) The analysis shall also include the impact of the Agency of Transportation's investments in vehicles, technology, and other capital investments on the coordinated service delivery model.

Sec. 35. CENTRAL GARAGE FUND REPORT

(a) The Agency of Transportation shall report to the Joint Fiscal Committee and to the House and Senate Committees on Transportation on September 1, 2020 on the status of the Central Garage Fund and the plan to address any negative projected balance in the Fund.

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\* \* \* Coronavirus Relief Fund \* \* \*

Sec. 36. ONE-TIME CORONAVIRUS RELIEF FUND (CRF)  
APPROPRIATIONS

(a) The following appropriations are authorized on a one-time basis in fiscal year 2020 from the Coronavirus Relief Fund (CRF) established under the federal Coronavirus Aid, Relief and Economic Security (CARES) Act to address necessary expenditures with respect to the Coronavirus Disease 2019 (COVID-19) public health emergency. These expenditures were not accounted for in the State budget most recently approved as of March 27, 2020 and were incurred during the period that began on March 1, 2020, in accordance with the Department of Treasury's April 22, 2020 interpretation of limitations on the permissible use of fund payments. These appropriations shall carry forward to fiscal year 2021, as needed.

(1) Joint Fiscal Committee: \$600,000 is appropriated to the Legislative Joint Fiscal Committee for use or transfer to appropriation units within the General Assembly as necessary to reimburse eligible fiscal year 2020 expenditures. The transfers shall be reviewed and approved through traditional transfer approval processes by the Secretary of Administration. The Joint Fiscal Office shall provide a list of the COVID-19 expenditures funded by this appropriation and related documentation and transfers to other legislative departments to the Joint Legislative Management Committee, the Joint Fiscal Committee, and the Commissioner of Finance and Management on or before July 30, 2020.

(2) Legislature: \$750,000 is appropriated to the Legislature for costs incurred beyond the budgeted 18-week legislative session in fiscal year 2020 due to the response to the Coronavirus pandemic, which includes delays and an extension to legislative work necessitated in the transition to remote or partially remote work for the Legislature.

(3) Agency of Natural Resources: \$2,000,000 is appropriated to the Agency of Natural Resources to be transferred to the Agency's departments as needed to support sanitation efforts at public facilities.

(4) The Vermont State Colleges (VSC): \$12,515,500 is granted to the Vermont State Colleges. \$5,117,792 to cover the cost of rooms and meals refunds provided to students due to campus closures during the spring 2020 semester due to the Coronavirus pandemic. The remaining amount is for other expenses incurred or anticipated to be incurred by June 30, 2020 for COVID-19 response, including distance learning, equipment and supplies, facilities alterations, and staff or contractual costs related to the response.

(5) The University of Vermont (UVM): \$8,691,500 is granted to the University of Vermont. \$5,016,300 to cover the cost of rooms and parking refunds provided to students due to campus closure during the spring 2020 semester due to the Coronavirus pandemic. The remaining amount is for other expenses incurred or anticipated to be incurred by June 30, 2020 for COVID-19 response, including distance learning, equipment and supplies, facilities alterations and staff or contractual costs related to the response.

(6) The Vermont Student Assistance Corporation (VSAC): \$5,100,000 is granted to the Vermont Student Assistance Corporation for increased tuition grants to students as a result of reduced household income in the 2020 calendar year as well as increased demand for skills enhancement grants due to the economic impacts of the Coronavirus pandemic.

(7) The Agency of Human Services (AHS) for Emergency Medical/Ambulance Services: \$3,000,000 is appropriated to AHS for Emergency Medical/Ambulance Services costs and financial assistance during the pandemic allocated as follows:

(A) \$900,000 for the necessary training and support of EMTs including volunteers and paramedic education, these funds may be transferred to the department of health for disbursement as necessary.

(B) \$100,000 for AHS in coordination with the Department of Financial Regulation (DFR) to engage through sole source contract one or more financial consultants to assist EMS service providers with applications needed for federal provider relief funds related to coronavirus funding; state prospective payments related to coronavirus through the Agency of Human Services and the Department of Vermont Health Access; and other grant funding that may be available in response to the pandemic.

(C) \$2,000,000, of which five percent shall be reserved for extraordinary financial relief to State EMS providers upon demonstrated need and the remainder of which may be used to make EMS provider stabilization grants in a manner determined by AHS that recognizes the need for administrative simplicity and EMS provider organization size.

(8) Department of Corrections: \$600,000 is appropriated to the Department of Corrections for support of necessary changes in community supervision and community programming resulting from COVID-19 impacts. This may include transfers or grant funding to diversion or community justice programs to maintain these programs to meet increased demand following reduced judicial operations due to the pandemic.

(9) State's Attorneys: \$818,000 is appropriated to the Department of State's Attorneys for costs incurred or anticipated to be incurred by June 30, 2020 in response to the pandemic.

(10) Defender General: \$419,000 is appropriated to the Defender General for costs incurred or anticipated to be incurred by June 30, 2020 in response to the pandemic.

(11) Vermont Center for Crime Victims Services: \$275,000 is appropriated to Center for Crime Victims Services for costs incurred or anticipated to be incurred by June 30, 2020 in response to the pandemic.

(12) Judiciary: \$4,910,500 is appropriated to the Judiciary for costs directly related to impacts from the pandemic. These funds enable Judicial operations to resume in a safe manner, including the support of remote operations, expenditures for hazard pay for public-facing staff, and expenditures to expediently address the backlog of cases resulting from reduced Judicial operations during the pandemic.

(A) The establishment of sixteen (16) exempt full-time limited service positions is authorized, as needed. Given the time frame faced in establishing the pandemic response work, use of temporary positions or contracts may be utilized as an alternative to filling new limited service positions.

#### Sec. 37. FULL COST ACCOUNTING OF CORONAVIRUS PERSONAL SERVICE EXPENSES

(a) The State Treasurer shall make a determination of the impact on State Retirement System actuarial obligations of any personnel expenses, hazard pay, overtime, or other personal services costs that are incurred through December 30, 2020 due to the Coronavirus Pandemic. Upon approval of the Secretary of Administration said amount shall be appropriated and transferred from the Coronavirus Relief Fund to the State Retirement System in fiscal years 2020 or 2021. The State Treasurer shall report the amount transferred under this authority to the Joint Fiscal Committee and the Commissioner of Finance and Management.

#### Sec. 38. EFFECTIVE DATE

(a) This act shall take effect on passage.

And by renumbering all the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

And that when so amended the bill ought to pass in concurrence with 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.

**Rules Suspended; Third Reading Ordered**

**H. 643.**

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

An act relating to banking and insurance.

Was taken up for immediate consideration.

Senator Cummings, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass in concurrence.

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

**Bill Amended; Third Reading Ordered**

**S. 190.**

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

An act relating to the Standard Offer Program.

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

Sec. 1. 30 V.S.A. § 8009 is amended to read:

§ 8009. BASELOAD RENEWABLE POWER PORTFOLIO  
REQUIREMENT

(a) ~~In~~ As used in this section:

(1) “Baseload renewable power” means a plant that generates electricity from renewable energy; that, during normal operation, is capable of taking all or part of the minimum load on an electric transmission or distribution system; and that produces electricity essentially continuously at a constant rate.

(2) “Baseload renewable power portfolio requirement” means an annual average of 175,000 MWh of baseload renewable power from an in-state woody biomass plant that was commissioned prior to September 30, 2009, has a nominal capacity of 20.5 MW, and was in service as of January 1, 2011.

(3) “Biomass” means organic nonfossil material of biological origin constituting a source of renewable energy within the meaning of subdivision 8002(17)(21) of this title.

(4) [Repealed.]

(b) Notwithstanding subsection 8004(a) and subdivision 8005~~(d)~~(c)(1) of this title, commencing November 1, 2012, the electricity supplied by each Vermont retail electricity provider to its customers shall include the provider's pro rata share of the baseload renewable power portfolio requirement, which shall be based on the total Vermont retail kWh sales of all such providers for the previous calendar year. The obligation created by this subsection shall cease on November 1, ~~2022~~ 2032.

(c) A plant used to satisfy the baseload renewable power portfolio requirement shall be a qualifying small power production facility under 16 U.S.C. § 796(17)(C) and 18 C.F.R. part 292.

(d) The On or before January 1, 2022, the Commission shall determine, for the period beginning on November 1, 2022, and ending on November 1, 2032, the price to be paid to a plant used to satisfy the baseload renewable power portfolio requirement. The Commission shall not be required to make this determination as a contested case under 3 V.S.A. chapter 25. The price shall be the avoided cost of the Vermont composite electric utility system. In this subsection, the term "avoided cost" means the incremental cost to retail electricity providers of electric energy or capacity, or both, which, but for the purchase from the plant proposed to satisfy the baseload renewable power portfolio requirement, such providers would obtain from a source using the same generation technology as the proposed plant. In this subsection, the term "avoided cost" also includes the Commission's consideration of each of the following:

(1) The relevant cost data of the Vermont composite electric utility system.

(2) The terms of the potential contract, including the duration of the obligation.

(3) The availability, during the system's daily and seasonal peak periods, of capacity or energy from a proposed plant.

(4) The relationship of the availability of energy or capacity from the proposed plant to the ability of the Vermont composite electric utility system or a portion thereof to avoid costs.

(5) The costs or savings resulting from variations in line losses from those that would have existed in the absence of purchases from the proposed plant.

(6) The supply and cost characteristics of the proposed plant, including the costs of operation and maintenance of an existing plant during the term of a proposed contract.

(7) Mechanisms for encouraging dispatch of the proposed plant relative to the ISO New England wholesale energy price and value of regional renewable energy credits, while also respecting the physical operating parameters and fixed costs of the proposed plant.

(8) The fuel supply for the proposed plant is obtained from ecologically sound and sustainable sources. In the case of biomass, this shall include an assessment of whether fuel supplies use ecologically sound harvesting practices and whether they promote a diverse and sustainable forest economy in the region.

(9) The appropriate assignment of risks associated with the ISO New England Forward Capacity Market Pay-for-Performance Project.

(10) Any potential opportunities associated with having the proposed plant withdraw from the ISO New England Forward Capacity Market, while respecting the economic parameters of the proposed plant.

\* \* \*

(i) The State and its instrumentalities shall not be liable to a plant owner or retail electricity provider with respect to any matter related to the baseload renewable power portfolio requirement or a plant used to satisfy such requirement, including costs associated with a contract related to such a plant or any damages arising from the breach of such a contract, the flow of power between a plant and the electric grid, or the interconnection of a plant to that grid. For the purpose of this section, the Commission and the Standard Offer Facilitator constitute instrumentalities of the State.

(j) The Commission shall authorize any agency participating in a proceeding under this section or in an order issued under this section to assess its costs against a proposed plant consistent with section 21 of this title.

(k) The Agency of Commerce and Community Development shall investigate the feasibility of utilizing the excess thermal energy generated by a plant used to satisfy the baseload renewable power portfolio requirement imposed under this section. Such investigation shall be done in consultation with the plant's owner, the Northeast Vermont Development Association, and other interested parties and shall consider the economic feasibility of utilizing the excess thermal energy generated by a plant and the economic development options available to the State to assist in the utilization of the excess thermal energy. On or before January 15, 2022 the Agency shall report on its investigation and any recommended legislation to the House Committees on Energy and Technology and on Commerce and Economic Development and the Senate Committees on Finance and on Economic Development, Housing and General Affairs.

(1) In considering the assessment of whether fuel supplies use ecologically sound harvesting practices and whether they promote a diverse and sustainable forest economy in the region, the Agency of Natural Resources shall provide input to the Commission regarding any recommended changes to the biomass harvesting practices associated with fuel supply, and the Commission shall incorporate such recommendations in the Order.

## Sec. 2. TRANSITION PROVISION

All decisions and orders of the former Public Service Board and the Public Utility Commission in the matter *Investigation into the Establishment of a Standard-Offer Price for Baseload Renewable Power under the Sustainably Priced Energy Enterprise Development ("SPEED") Program*, Docket No. 7782, shall remain in full force and effect through October 31, 2022.

## Sec. 3. 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.

### **Bill Passed; Rules Suspended; Bill Messaged**

#### **S. 125.**

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

An act relating to Vermont's adoption of the interstate Nurse Licensure Compact.

Thereupon, on motion of Senator Ashe, the rules were suspended, and the bill was ordered messaged to the House forthwith.

### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, May 27, 2020.

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## **WEDNESDAY, MAY 27, 2020**

The Senate was called to order by the President.

### **Devotional Exercises**

A moment of silence was observed in lieu of devotions.



**Roll Call**

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

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

**Bill Passed****S. 190.**

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

An act relating to the Standard Offer Program.

---

**Bill Passed in Concurrence**

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

**H. 643.** An act relating to banking and insurance.

**Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment****H. 951.**

House bill entitled:

An act relating to the municipal emergency statewide education property tax borrowing program.

Was taken up.

Thereupon, pending third reading of the bill, Senator Sears moved to amend the Senate proposal of amendment in Sec. 1, Municipal Emergency Statewide Education Property Tax Borrowing Program, by striking out subdivision (b)(1) in its entirety and inserting in lieu thereof the following:

(1) "Municipality" means a city, town, incorporated village, the unorganized towns and gores of Essex County, Buel's Gore, and any incorporated school district with authority to collect statewide education property taxes.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

**Bill Passed in Concurrence with Proposal of Amendment****H. 953.**

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

An act relating to fiscal year 2020 supplemental budget adjustments.

**Bill Amended; Third Reading Ordered****S. 233.**

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

An act relating to uniform licensing standards.

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

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

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

§ 123. DUTIES OF OFFICE

\* \* \*

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

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

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

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

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

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

\* \* \*

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

\* \* \*

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

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

(2) The individual shall submit this request online, accompanied by the fee for pre-application determinations set forth in section 125 of this

subchapter. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(3) The Office shall:

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

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

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

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

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

§ 125. FEES

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

\* \* \*

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

\* \* \*

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

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

§ 136. UNIFORM CONTINUING EDUCATION EVALUATION; SUNSET REVIEW

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

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

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

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

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

§ 136a. UNIFORM PROCESS FOR ENDORSEMENT FROM OTHER STATES

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

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

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

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

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

§ 1395a. LICENSES; RULES

(a) Licenses. The Department shall issue licenses under this subchapter. A licensee may be authorized to perform more than one class of activities under a single license. The Department shall, by rule, establish appropriate application, testing, and renewal procedures for each class of activity under a license. The rule shall include the opportunity for an applicant to take the

licensing test orally or by demonstration if the applicant fails the written test. The classes of activities under a license shall be as follows:

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

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

\* \* \*

(b) Criminal background; pre-application determination. The Department shall provide a pre-application determination of an individual's criminal background. This determination shall not be binding on the Department in a future application if the individual violates probation or parole or is convicted of another crime following the determination.

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

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

(3) The Department shall:

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

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

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

(c) Continuing education; sunset review.

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

(A) the renewal requirements of the profession;

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

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

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

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

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

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

(e) Uniform process for endorsement from other states.

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

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

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

(f) Uniform process for foreign credential verification.

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

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

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

by the applicant.

(g) Rules.

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

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

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

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

Sec. 6. 16 V.S.A. § 1694 is amended to read:

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

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

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

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

(i) the renewal requirements for licensure and endorsements;

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

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

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

\* \* \*



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

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

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

\* \* \*

Sec. 7. 16 V.S.A. § 1695a is added to read:

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

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

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

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

(3) The Secretary shall:

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

(B) assess the nature of any underlying convictions and substantiations, the nexus to the license and endorsement sought, and the

provided evidence of rehabilitation or mitigation; and

(C) respond to the individual's request in writing, stating whether the individual may seek licensure.

(b) Uniform process for foreign credential verification.

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

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

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

(4) The provisions relating to preliminary license denials set forth in subsection 1704(a) of this chapter shall apply to a license application that is preliminarily denied for nonequivalence under this subsection.

Sec. 8. 16 V.S.A. § 1697 is amended to read:

§ 1697. FEES

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

\* \* \*

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

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

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

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

Sec. 9. 26 V.S.A. § 901 is amended to read:

§ 901. ELECTRICIANS' LICENSING BOARD; MEMBERSHIP; POWERS

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

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

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

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

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

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

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

(2) The individual shall submit this request online, accompanied by the fee for pre-application determinations set forth in section 905 of this chapter. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(3) The Board shall:

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

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

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

(d) Continuing education; sunset review.

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

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

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

Sec. 10. 26 V.S.A. § 905 is amended to read:

§ 905. APPLICATION; EXAMINATIONS AND FEES

\* \* \*

(g) The fee for a pre-application criminal background determination shall be \$25.00.

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

Sec. 11. 26 V.S.A. § 906 is amended to read:

§ 906. EXAMINATIONS NOT REQUIRED

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

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

(2) Uniform process for endorsement from other states.

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

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

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

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

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

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

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

\* \* \*

Sec. 12. 26 V.S.A. § 907 is amended to read:

§ 907. RECOGNITION OF EXPERIENCE

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

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

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

(3) to experience or prior qualifications.

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

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

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

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

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

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

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

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

Sec. 13. 26 V.S.A. § 1353 is amended to read:

§ 1353. POWERS AND DUTIES OF THE BOARD

The Board shall have the following powers and duties to:

\* \* \*

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

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

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

(C) The Board shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) the renewal requirements of the profession;

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

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

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

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

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

Sec. 14. 26 V.S.A. § 372 is amended to read:

§ 372. LICENSURE WITHOUT EXAMINATION

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

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

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

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

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



requirements for endorsement for that jurisdiction.

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

Sec. 15. 26 V.S.A. § 1395 is amended to read:

§ 1395. LICENSE WITHOUT EXAMINATION

(a) Without examination, the Board may, upon payment of the required fee, issue a license to a reputable physician who personally appears and presents a certified copy of a certificate of registration or a license issued to him or her in a jurisdiction whose requirements for registration are deemed by the Board as equivalent to those of this State, providing that such jurisdiction grants the same reciprocity to a Vermont physician or by the National Board of Medical Examiners.

(b) Without examination, the Board may issue a license to a reputable physician who is a resident of a foreign country and who shall furnish the Board with satisfactory proof that he or she has been appointed to the faculty of a medical college accredited by the Liaison Committee on Medical Education (LCME) and located within the State of Vermont.

(1) An applicant for a license under this subsection shall furnish the Board with satisfactory proof that he or she has attained the age of majority, is of good moral character, is licensed to practice medicine in his or her country of residence, and that he or she has been appointed to the faculty of an LCME accredited medical college located within the State of Vermont. The information submitted to the Board concerning the applicant's faculty appointment shall include detailed information concerning the nature and term of the appointment and the method by which the performance of the applicant will be monitored and evaluated.

(2) A license issued under this subsection shall be for a period no longer than the term of the applicant's faculty appointment and may, in the discretion of the Board, be for a shorter period. A license issued under this subsection shall expire automatically upon termination for any reason of the licensee's faculty appointment.

(c) [Repealed.]

(d)(1) The Board shall have an endorsement process that requires not more than three years of practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction meets the requirements of subsection (a) of this section, so long as the applicant meets one of the following postgraduate training requirements:

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

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

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

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

Sec. 16. 26 V.S.A. § 1401a is amended to read:

§ 1401a. FEES

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

\* \* \*

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

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

\* \* \*

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

\* \* \*

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

Sec. 17. 26 V.S.A. § 1625 is amended to read:

§ 1625. PRACTICAL NURSE LICENSURE BY EXAMINATION

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

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

Director; and

(2) complete examinations as determined by the Board.

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

Sec. 18. 26 V.S.A. § 2181 is amended to read:

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

(a) Creation. A The Plumber's Examining Board, within the Department of Public Safety, ~~hereinafter called "Board,"~~ shall consist of five members, one of whom shall be the Commissioner of Public Safety or designee and one of whom shall represent the Commissioner of Health or designee. The remaining three members shall be appointed by the Governor with the advice and consent of the Senate. One of the appointive members shall be a master plumber, one shall be a journey plumber, and one shall be a public member not associated with the plumbing or heating trades.

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

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

\* \* \*

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

(e) Foreign credential verification.

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

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

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

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

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

(2) The individual shall submit this request online, accompanied by the fee for pre-application determinations set forth in section 2193 of this chapter. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(3) The Board shall:

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

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

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

(g) Continuing education; sunset review.

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

(A) the renewal requirements of the profession;

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

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

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

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

(2) The Commissioner shall respond to the Board within 45 days of its submitted review results. The Commissioner may require the Board to reduce,

modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 19. 26 V.S.A. § 2193 is amended to read:

§ 2193. APPLICATIONS AND EXAMINATIONS; FEES

\* \* \*

(c) License and renewal fees are as follows:

\* \* \*

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

\* \* \*

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

Sec. 20. 26 V.S.A. § 2194 is amended to read:

§ 2194. EXAMINATIONS NOT REQUIRED; TEMPORARY LICENSES

(a) Generally.

(1) Reciprocity.

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

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

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

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

(2) Uniform process for endorsement from other states.

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

subdivision (1) of this subsection.

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

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

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

\* \* \*

(c) Definitions. As used in this section:

\* \* \*

#### Sec. 21. ADOPTION OF REQUIRED RULES

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

#### Sec. 22. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

And that when so amended the bill ought to pass.

Senator Balint, for the Committee on Finance, to which the bill was referred, reported that they have considered the same and recommend that the bill be amended as recommended by the Committee on Government Operations with the following amendment thereto:

By adding a new Sec. 5a to read as follows:

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

#### § 1395. APPLICATION

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

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

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

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

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 of the Committee on Government Operations was amended as recommended by the Committee on Finance.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Government Operations, as amended?, Senators Collamore, Bray, Clarkson, Pollina and White moved to amend the recommendation of the Committee on Government Operations, as amended as follows:

First: In Sec. 14, 26 V.S.A. § 372 (podiatrists; licensure without examination), in subdivision (b)(1), following the words “The Board shall have an endorsement process” by inserting the words for podiatrist licensure

Second: By striking out in its entirety Sec. 15, 26 V.S.A. § 1395 (license without examination) and inserting in lieu thereof a new Sec. 15 to read as follows:

Sec. 15. 26 V.S.A. § 1395 is amended to read:

§ 1395. LICENSE WITHOUT EXAMINATION BY ENDORSEMENT

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

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

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

~~(b) Without examination, the Board may issue a license to a reputable physician who is a resident of a foreign country and who shall furnish the Board with satisfactory proof that he or she has been appointed to the faculty of a medical college accredited by the Liaison Committee on Medical Education (LCME) and located within the State of Vermont. An applicant for a license under this subsection shall furnish the Board with satisfactory proof that he or she has attained the age of majority, is of good moral character, is licensed to practice medicine in his or her country of residence, and that he or she has been appointed to the faculty of an LCME accredited medical college located within the State of Vermont. The information submitted to the Board concerning the applicant's faculty appointment shall include detailed information concerning the nature and term of the appointment and the method by which the performance of the applicant will be monitored and evaluated. A license issued under this subsection shall be for a period no longer than the term of the applicant's faculty appointment and may, in the discretion of the Board, be for a shorter period. A license issued under this subsection shall expire automatically upon termination for any reason of the licensee's faculty appointment. If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.~~

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

Third: By inserting a reader assistance heading preceding Sec. 21 (adoption of required rules) to read as follows:

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

Fourth: By inserting a reader assistance heading preceding Sec. 22 (effective date) to read as follows:



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

Which was agreed to.

Thereupon, the recommendation of amendment of the Committee on Government Operations, as amended was agreed to and third reading of the bill was ordered.

**Bill Amended; Third Reading Ordered**

**S. 166.**

Senator Baruth, for the Committee on Education, to which was referred Senate bill entitled:

An act relating to the dissolution of the State Board of Education.

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

\* \* \* Transfer of Certain Responsibilities of the State Board of Education to the Secretary of Education \* \* \*

Sec. 1. 16 V.S.A. § 164 is amended to read:

§ 164. STATE BOARD; GENERAL POWERS AND DUTIES

The State Board shall ~~evaluate education policy proposals, including timely evaluation of policies presented by the Governor and Secretary; and establish and advance education policy for the State of Vermont and, consistent with the provisions of this title, its own rules, and rules adopted by the Secretary, establish and regularly update a long-term strategic vision for the delivery of educational services in Vermont; advise the General Assembly, the Governor, and the Secretary of Education on high priority educational policies and issues as they arise; and act in accordance with Legislative mandates, including the adoption of rules and executing special assignments.~~ In addition to other specified duties, the Board shall:

(1) Establish such advisory commissions as in the judgment of the Board will be of assistance to it in carrying out its duties. Advisory commission members shall serve with or without compensation at the discretion of the Board but shall receive actual expenses incurred in pursuance of their duties.

(2) Have the authority to enter into agreements with school districts, municipalities, states, the United States, foundations, agencies, or individuals for service, educational programs, or research projects.

(3) Examine and determine all appeals that by law are made to it and prescribe rules of practice in respect thereto, not inconsistent with law.

~~(4) Review and comment on an Agency budget prepared by the Secretary for the Governor. [Repealed.]~~

~~(5) [Repealed.]~~

~~(6) Make regulations governing the attendance and records of attendance of all students and the deportment of students attending public schools. [Repealed.]~~

(7) Adopt rules pursuant to 3 V.S.A. chapter 25 as necessary or appropriate for the execution of its powers and duties and of the powers and duties of all persons under its supervision and control to carry out the powers and duties of the Board as directed by the General Assembly, within the limitations of legislative intent, including rules concerning:

(A) the operation and administration of the State Board of Education;

(B) educational quality standards;

(C) independent school program approval, including:

(i) approval of distance learning schools;

(ii) post-secondary schools; and

(iii) private kindergarten approval;

(D) special education, including special education finance and census-based funding;

(E) school accountability system based on student achievement;

(F) supervisory union and school district organization; and

(G) proposals for alternative structures under 2015 Acts and Resolves No. 46.

(8) Review and comment on rules proposed by the Agency of Education prior to prefiling the proposed rules with the Interagency Committee on Administrative Rules under 3 V.S.A. § 837.

(9) ~~Implement~~ Develop and continually update standards for student performance in appropriate content areas and at appropriate intervals in the continuum from ~~kindergarten~~ prekindergarten to grade 12 and methods of assessment to determine attainment of the standards for student performance. The standards shall be rigorous, challenging, and designed to prepare students to participate in and contribute to the democratic process and to compete in the

global marketplace. The standards shall include a standard for reading level proficiency for students completing grade three.

(10) [Repealed.]

(11) ~~If deemed advisable, determine educational standards for admission to and graduation from the public schools.~~ [Repealed.]

(12) [Repealed.]

(13) ~~Be the State Board for the program of adult education and literacy and perform all the duties and powers prescribed by law pertaining to adult education and literacy and to act as the State approval agency for educational institutions conducting programs of adult education and literacy.~~ [Repealed.]

(14) ~~Adopt rules for approval of independent schools.~~ [Repealed.]

(15) ~~Establish criteria governing the establishment of a system for the receipt, deposit, accounting, and disbursement of all funds by supervisory unions and school districts.~~ [Repealed.]

(16) ~~In cooperation with the Secretary, ensure that the Agency develops information, plans, and assistance to aid in making technology and telecommunications available and coordinated in all school districts. The State Board shall develop guidelines for distribution of federal, State, or private funds designated for the development or expansion of distance learning technologies. The guidelines shall encourage, consistent with any terms or conditions established by the funding source, collaboration between schools and school districts to realize economic and educational efficiencies.~~ [Repealed.]

(17) ~~Report annually on the condition of education statewide and on a supervisory union and school district basis. The report shall include information on attainment of standards for student performance adopted under subdivision (9) of this section, number and types of complaints of hazing, harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school, school district, and supervisory union to determine its strengths and weaknesses. To the extent consistent with State and federal privacy laws and regulations, data on hazing, harassment, or bullying incidents shall be disaggregated by incident type, including disaggregation by ethnic groups, racial groups, religious groups, gender, sexual orientation, gender identity, disability status, and English language learner status. The Secretary shall use the information in the report to determine whether students in each school, school district, and supervisory union are provided educational opportunities~~

~~substantially equal to those provided in other schools, school districts, and supervisory unions pursuant to subsection 165(b) of this title. [Repealed.]~~

~~(18) Ensure that Vermont's students, including students enrolled in secondary career technical education, have access to a substantially equal educational opportunity by developing a system to evaluate the equalizing effects of Vermont's education finance system and education quality standards under section 165 of this title. [Repealed.]~~

~~(19) [Repealed.]~~

~~(20) Pursuant to section 806g of this title, constitute the State Council for the Interstate Compact on Educational Opportunity for Military Children and appoint to the Council a Compact Commissioner and Military Family Education Liaison, who may be the same person. The Board may appoint additional members. [Repealed.]~~

~~(21) Report annually to the Governor and the General Assembly on the progress the Board has made on the development of education policy for the State current condition and future prospects of education in Vermont.~~

Sec. 2. 16 V.S.A. § 212 is amended to read:

#### § 212. SECRETARY'S DUTIES GENERALLY

The Secretary shall execute those policies adopt rules pursuant to 3 V.S.A. chapter 25 necessary to execute the powers and responsibilities given to the Secretary under this title or otherwise required or authorized by State or federal law and as directed by the General Assembly, except that the Secretary shall not adopt rules in areas reserved to the State Board of Education under section 164 of this title, implement rules adopted by the Secretary and the State Board in the legal exercise of its their powers, and shall:

\* \* \*

(23) Make rules governing the attendance and records of attendance of all students and the department of students attending public schools.

(24) Establish criteria governing the establishment of a system for the receipt, deposit, accounting, and disbursement of all funds by supervisory unions and school districts.

(25) Provide guidance to school districts to make technology and telecommunications available and coordinated in all school districts, including guidelines for the distribution of federal, State, and private funds designated for the development or expansion of distance learning technologies. The guidelines shall encourage, consistent with any terms or conditions established

by the funding source, collaboration between schools and among school districts to realize economic and educational efficiencies.

(26) Report annually on the condition of education statewide and on a supervisory union and school district basis. The report shall include information on attainment of standards for student performance adopted under subdivision 164(9) of this title, number and types of complaints of hazing, harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title. The report shall also include information on the and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school, school district, and supervisory union to determine its strengths and weaknesses. To the extent consistent with State and federal privacy laws and regulations, data on hazing, harassment, or bullying incidents shall be disaggregated by incident type, including disaggregation by ethnic groups, racial groups, religious groups, gender, sexual orientation, gender identity, disability status, and English language learner status. The Secretary shall use the information in the report to determine whether students in each school, school district, and supervisory union are provided educational opportunities substantially equal to those provided in other schools, school districts, and supervisory unions pursuant to subsection 165(b) of this title.

(27) Ensure that Vermont's students, including students enrolled in secondary career technical education, have access to a substantially equal educational opportunity by developing a system to evaluate the equalizing effects of Vermont's education finance system and education quality standards under section 165 of this title.

(28) Be responsible for the program of adult education and literacy and perform all the duties and powers prescribed by law pertaining to adult education and literacy and to act as the State approval agency for educational institutions conducting programs of adult education and literacy.

(29) Submit proposed rules to the State Board for review and comment prior to prefiling them with the Interagency Committee on Administrative Rules under 3 V.S.A. § 837 within a time frame that accommodates the State Board's review of the proposed rules and the Secretary's ability to respond to the State Board's comments.

\* \* \* Conforming Changes to Law in 16 V.S.A. chapter 3  
(State Board of Education) \* \* \*

Sec. 3. 16 V.S.A. § 167 is amended to read:

§ 167. HIGH SCHOOL EQUIVALENCE CERTIFICATE

The ~~State Board~~ Secretary is authorized to grant high school equivalency certificates to any person who has not been graduated from a high school on the basis of credits earned in the U.S. Armed Forces, credits earned in approved schools for adults, or satisfactory scores obtained on approved examinations.

Sec. 4. 16 V.S.A. § 175 is amended to read:

§ 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS;  
CLOSING

(a) When an institution of higher education, whether or not chartered in this State, proposes to discontinue the regular course of instruction, either permanently or for a temporary period other than a customary vacation period, the institution shall:

(1) promptly inform the ~~State Board~~ Secretary;

(2) prepare the academic record of each current and former student in a form satisfactory to the ~~State Board~~ Secretary and including interpretive information required by the ~~Board~~ Secretary; and

(3) deliver the records to a person designated by the ~~State Board~~ Secretary to act as permanent repository for the institution's records, together with the reasonable cost of entering and maintaining the records.

\* \* \*

(d) When an institution of higher education is unable or unwilling to comply substantially with the record preparation and delivery requirements of subsection (a) of this section, the ~~State Board~~ Secretary shall bring an action in Superior Court to compel compliance with this section, and may in a proper case obtain temporary custody of the records.

(e) When an institution of higher education is unable or unwilling to comply with the requirements of subsection (a) of this section, the ~~State Board~~ Secretary may expend State funds necessary to ensure the proper storage and availability of the institution's records. The Attorney General shall then seek recovery under this subsection, in the name of the State, of all of the State's incurred costs and expenses, including attorney's fees, arising from the failure to comply. Claims under this subsection shall be a lien on all the property of a defaulting institution, until all claims under this subsection are satisfied. The lien shall take effect from the date of filing notice thereof in the records of the town or towns where property of the defaulting institution is located.

(f) The State Board shall adopt rules under this section for its proper administration. The rules may include provisions for preparing and maintaining transferred records. Persons acting as a repository of records are

bound only by maintenance provisions to which they agreed before receiving transferred records.

\* \* \*

Sec. 5. 16 V.S.A. § 176 is amended to read:

§ 176. POSTSECONDARY SCHOOLS CHARTERED IN VERMONT

\* \* \*

(d) Exemptions. The following are exempt from the requirements of this section except for the requirements of subdivision (c)(1)(C) of this section:

\* \* \*

(4) Postsecondary schools that are accredited. The following postsecondary institutions are accredited, meet the criteria for exempt status, and are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate: Bennington College, Champlain College, ~~College of St. Joseph~~, Goddard College, ~~Green Mountain College~~, Landmark College, Marlboro College, Middlebury College, New England Culinary Institute, Norwich University, Saint Michael's College, SIT Graduate Institute, ~~Southern Vermont College~~, Sterling College, Vermont College of Fine Arts, and Vermont Law School. This authorization is provided solely to the extent necessary to ensure institutional compliance with federal financial aid-related regulations, and it does not affect, rescind, or supersede any preexisting authorizations, charters, or other forms of recognition or authorization.

\* \* \*

(e) Issuance. On proper application, the State Board shall issue a certificate of approval or a certificate of degree-granting authority, or both, to an applicant whose goals, objectives, programs, and resources, including personnel, curriculum, finances, and facilities, are found by the State Board to be in accordance with its rules for approval of postsecondary schools and adequate and appropriate for the stated purpose and for the protection of students and the public interest. The certificate shall be for a term not exceeding five years. The certificate may be subject to conditions, terms, or limitations.

\* \* \*

Sec. 6. 16 V.S.A. § 214 is added to read:

§ 214. STATE COUNCIL FOR THE INTERSTATE COMPACT ON  
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

Pursuant to section 806g of this title, the Agency shall constitute the State Council for the Interstate Compact on Educational Opportunity for Military Children and appoint to the Council a Compact Commissioner and Military Family Education Liaison, who may be the same person. The Secretary may appoint additional members.

Sec. 7. STATE BOARD OF EDUCATION RULES; AGENCY OF EDUCATION

(a) Except for the State Board of Education rules referenced in subsection (b) of this section, the rules of the State Board of Education in effect on the effective date of this act shall constitute the rules of the Agency of Education until amended or repealed, and all references in those rules to the State Board of Education and the Commissioner of Education shall be deemed to refer to the Secretary of Education and all references to the Department of Education shall be deemed to refer to the Agency of Education.

(b) The following rules shall continue to be the rules of the State Board of Education:

- (1) Series 1200—State Board of Education;
- (2) Series 1320—Special Education Finance and Census-based Funding;
- (3) Series 2000—Educational Quality Standards;
- (4) Series 2200—Independent School Program Approval, including:
  - (A) 2231—Approval of Distance Learning Schools;
  - (B) 2240—Post-secondary Schools; and
  - (C) 2270—Private Kindergarten Approval;
- (5) Series 2360—Special Education;
- (6) Series 2500—School Accountability System Based on Student Achievement;
- (7) Series 3000—School District Organization; and
- (8) Series 3400—Proposals for Alternative Structures under Act 46.

\* \* \* Conforming Changes to Law in 16 V.S.A. Excluding Chapter 3 (State Board of Education) \* \* \*

\* \* \*

Sec. 8. 16 V.S.A. § 133 is amended to read:

§ 133. SUPERVISOR; COMPREHENSIVE HEALTH EDUCATION

- (a) The Secretary ~~with the approval of the State Board~~ may appoint one



qualified person to supervise the preparation of appropriate curricula for use in the public schools, to promote programs for the preparation of teachers to teach these curricula, and to assist in the development of comprehensive health education programs.

\* \* \*

Sec. 9. 16 V.S.A. § 136 is amended to read:

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

\* \* \*

(b) The Secretary ~~with the approval of the State Board~~ shall establish an Advisory Council on Wellness and Comprehensive Health that shall include at least three members associated with the health services field. The members shall serve without compensation but shall receive their actual expenses incurred in connection with their duties relating to wellness and comprehensive health programs. The Council shall assist the Agency to plan, coordinate, and encourage wellness and comprehensive health programs in the public schools.

\* \* \*

Sec. 10. 16 V.S.A. § 242 is amended to read:

§ 242. DUTIES OF SUPERINTENDENTS

The superintendent shall be the chief executive officer for the supervisory union board and for each school board within the supervisory union, and shall:

\* \* \*

(4)(A) Provide data and information required by the Secretary and by using a format approved by the Secretary to:

(i) Report budgetary data for the subsequent school year and fiscal year.

(ii) Report all financial operations within the supervisory union to the Secretary ~~and State Board~~ for the preceding school year on or before August 15 of each year.

(iii) Report all financial operations for each member school district to the Secretary ~~and State Board~~ for the preceding school year on or before August 15 of each year.

\* \* \*

Sec. 11. 16 V.S.A. § 244 is amended to read:

§ 244. DUTIES OF PRINCIPALS

\* \* \*

(b) Without the approval of the ~~State Board~~ Secretary, secondary school principals shall not be charged with supervisory responsibility outside the secondary school.

Sec. 12. 16 V.S.A. § 256 is amended to read:

§ 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;  
MAINTENANCE OF RECORDS

\* \* \*

(d) The ~~State Board~~ Secretary may adopt rules regarding maintenance of records.

Sec. 13. 16 V.S.A. § 261a is amended to read:

§ 261a. DUTIES OF SUPERVISORY UNION BOARD

(a) Duties. The board of each supervisory union shall:

\* \* \*

(4) In accordance with criteria established by the ~~State Board~~ Secretary, establish and implement a plan for receiving and disbursing federal and State funds distributed by the Agency of Education, including funds awarded under P.L. 89-10, the Elementary and Secondary Education Act of 1965 as amended.

\* \* \*

(6) Provide special education services on behalf of its member districts and, except as provided in section 43 of this title, compensatory and remedial services, and provide or coordinate the provision of other educational services as directed by the ~~State Board~~ Secretary or local boards; provided, however, if a supervisory union determines that services would be provided more efficiently and effectively in whole or in part at the district level, then it may ask the Secretary to grant it a waiver from this provision.

\* \* \*

Sec. 14. 16 V.S.A. § 471 is amended to read:

§ 471. APPLICATION OF OTHER LAWS

(a) The provisions of this title relating to the administration and maintenance of public schools, school meetings, and voting therein, to grand lists, to the raising and expending of school monies, to monies apportioned by

the ~~State Board~~ Secretary, to sharing in other State aid, to the election, appointment, powers, duties, and liabilities of school officers, to elementary and higher instruction, to transportation, board, and attendance of students, to truancy and truant officers, to furnishing of textbooks and appliances, and to all other matters pertaining to schools in a town district, unless otherwise provided, and if not inconsistent with the rights granted by their charters, shall apply to schools maintained, similar school officers, and all matters pertaining to schools in incorporated school districts.

\* \* \*

Sec. 15. 16 V.S.A. § 551 is amended to read:

§ 551. APPLICATION OF LAWS TO SCHOOL DISTRICTS

Unless otherwise specifically provided in statute with respect to a class of school district or in a municipal charter, the laws of this title, the laws pertaining to municipal corporations, and the rules of the State Board and the Agency shall apply to all school districts.

Sec. 16. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

\* \* \*

(b) When a school construction contract exceeds \$500,000.00:

(1) The ~~State Board~~ Secretary shall establish, in consultation with the Commissioner of Buildings and General Services and with other knowledgeable sources, general rules for the prequalification of bidders on such a contract. The Department of Buildings and General Services, upon notice by the Secretary, shall provide to school boards undergoing construction projects suggestions and recommendations on bidders qualified to provide construction services.

\* \* \*

(d) Construction management. The school board may contract for the service of construction management to assist in a school construction project. The ~~State Board~~ Secretary, in consultation with the Commissioner of Buildings and General Services and other knowledgeable sources, shall adopt rules defining the term “construction management” and specifying the nature of bidding requirements under construction management services in order to assist school boards to comply with the public bidding requirements of this section.

\* \* \*

(f) Waivers. The ~~State Board~~ Secretary shall by rule adopt standards governing the authority of the Secretary to grant individual waivers to the provisions of this section. The rules, at minimum, shall require the school board seeking the waiver to demonstrate to the Secretary that it is unable to comply with the bidding procedure through no fault of its own, and that it has proposed an alternative method of minimizing costs through a fair and public process.

(g) Violations. The ~~State Board~~ Secretary may deny State aid for school construction and for debt service on a project that proceeds in violation of this section.

Sec. 17. 16 V.S.A. § 563 is amended to read:

§ 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

The school board of a school district, in addition to other duties and authority specifically assigned by law:

\* \* \*

(8) Shall establish and maintain a system for receipt, deposit, disbursement, accounting, control, and reporting procedures that meets the criteria established by the ~~State Board~~ Secretary pursuant to subdivision 164(15) 212(24) of this title and that ensures that all payments are lawful and in accordance with a budget adopted or amended by the school board. The school board may authorize a subcommittee, the superintendent of schools, or a designated employee of the school board to examine claims against the district for school expenses and draw orders for such as shall be allowed by it payable to the party entitled thereto. Such orders shall state definitely the purpose for which they are drawn and shall serve as full authority to the treasurer to make such payments. It shall be lawful for a school board to submit to its treasurer a certified copy of those portions of the board minutes, properly signed by the clerk and chair, or a majority of the board, showing to whom, and for what purpose each payment is to be made by the treasurer, and such certified copy shall serve as full authority to the treasurer to make the payments as thus approved.

\* \* \*

(21) Shall have the authority to engage in short-term borrowing to cover the costs of those portions of projects approved by the ~~State Board~~ Secretary and that will be reimbursed by the ~~State Board~~ Secretary under sections 3447-3456 of this title but which payments will be delayed. However, the board shall borrow under this subdivision only amounts that it would receive if the ~~State Board~~ Secretary could fund its obligation and may borrow no earlier than the time it would have received the funds. The State shall not pay for costs of

borrowing funds under this subdivision.

\* \* \*

(24) Shall adopt a policy that, in accordance with rules adopted by the ~~State Board of Education~~ Secretary, will integrate home study students into its schools through enrollment in courses, participation in cocurricular and extracurricular activities, and use of facilities.

(25) Shall, if it is a school board of a school district that maintains a secondary school, upon request, award a high school diploma to any Vermont resident who served in the military in World War II, the Korean War, or during the Vietnam era, was honorably separated from active federal military service, and does not hold a high school diploma. The ~~State Board~~ Secretary shall develop and make available an application form for veterans who wish to request a high school diploma.

\* \* \*

Sec. 18. 16 V.S.A. § 570 is amended to read:

§ 570. HARASSMENT, HAZING, AND BULLYING PREVENTION  
POLICIES

\* \* \*

(d) Duties of the Secretary. The Secretary shall:

\* \* \*

(2) establish an Advisory Council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The Council shall report annually in January to the ~~State Board~~ Secretary and the House and Senate Committees on Education. The Council shall include:

\* \* \*

Sec. 19. 16 V.S.A. § 701a is amended to read:

§ 701a. APPLICATION OF OTHER LAWS

\* \* \*

(b) The provisions of general law relating to the administration and maintenance of schools, to school meetings and voting at the meetings, to grand lists, to the raising and expending of school money, to money apportioned by the ~~State Board~~ Secretary, to sharing in other State or federal aid, to the election, appointments, powers, duties, and liabilities of school officers, to secondary and elementary instruction, to transportation, board, and attendance of students, to textbooks and appliances, and to all other matters

pertaining to schools in a town school district, unless inconsistent with this act or otherwise provided for in this subchapter, shall apply to schools maintained, similar school officers, and all matters pertaining to schools of the union school district.

Sec. 20. 16 V.S.A. § 829 is amended to read:

§ 829. PREKINDERGARTEN EDUCATION

\* \* \*

(c) Prequalification. Pursuant to rules jointly developed and overseen by the Secretaries of Education and of Human Services and adopted by the ~~State Board~~ Secretary of Education pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine that a private or public provider of prekindergarten education is qualified for purposes of this section and include the provider in a publicly accessible database of prequalified providers. At a minimum, the rules shall define the process by which a provider applies for and maintains prequalification status, shall identify the minimum quality standards for prequalification, and shall include the following requirements:

\* \* \*

(e) Rules. The Secretary of Education and the Commissioner for Children and Families shall jointly develop and agree to rules ~~and present them to the State Board~~ for adoption by the Secretary of Education under 3 V.S.A. chapter 25 as follows:

\* \* \*

Sec. 21. 16 V.S.A. § 1045 is amended to read:

§ 1045. DRIVER TRAINING COURSE

(a) A driver education and training course, approved by the Agency of Education and the Department of Motor Vehicles shall be made available to students whose parent or guardian is a resident of Vermont and who have reached their 15th birthday and who are regularly enrolled in a public or independent high school approved by the ~~State Board~~ Secretary of Education.

(b) After June 30, 1984, all driver education courses shall include a course of instruction, approved by the ~~State Board~~ Secretary and the council on the effects of alcohol and drugs on driving.

\* \* \*

Sec. 22. 16 V.S.A. § 1071 is amended to read:

§ 1071. SCHOOL YEAR AND SCHOOL DAY

\* \* \*

(b) Hours of operation. Within the minimum set by the ~~State Board Secretary~~, the school board shall fix the number of hours that shall constitute a school day, subject to change upon the order of the ~~State Board Secretary~~.

(c) Unanticipated closings. When a public school is closed for cause beyond the control of the school board, it may petition the ~~State Board Secretary~~ for a waiver of the requirements of this section. The petition shall be filed with the ~~State Board Secretary~~ within 10 days of each occurrence and not later than June 15 of the school year involved; ~~and the State Board shall act on the petition at its next meeting. If the petition is approved and a waiver granted, the school district shall be deemed to have satisfied the requirements of this section. If the State Board fails to act at that meeting, the petition shall be deemed to have been approved and the waiver granted.~~

\* \* \*

(g) Upon application of one or more school districts, after approval by the voters of each such district, the ~~State Board Secretary~~ may grant a waiver of the requirements of subsection (a) of this section if it is satisfied that equivalent educational programming will be maintained or improved. The waiver may be granted for any purpose, including the conservation of energy.

Sec. 23. 16 V.S.A. § 1162 is amended to read:

#### § 1162. SUSPENSION OR EXPULSION OF STUDENTS

(a) A superintendent or principal may, pursuant to policies adopted by the school board that are consistent with ~~State Board Agency~~ rules, suspend a student for up to 10 school days or, with the approval of the board of the school district, expel a student for up to the remainder of the school year or up to 90 school days, whichever is longer, for misconduct:

\* \* \*

Sec. 24. 16 V.S.A. § 1165 is amended to read:

#### § 1165. ALCOHOL AND DRUG ABUSE

(a) The ~~State Board Secretary~~, in consultation with local school boards, the alcohol and drug division, the law enforcement authorities, and the juvenile court system shall formulate a general policy for the education, discipline, and referral for rehabilitation of students who are involved with alcohol or drug abuse on school property or at school functions.

(b) The ~~State Board Secretary~~ shall adopt rules for all school districts that include standards consistent with due process of law for discipline, suspension, or dismissal of students and recommended procedures for education and for referral for treatment and rehabilitation.

(c) Each school district shall adopt its own policy consistent with the ~~State Board's~~ Agency rules setting forth: recommended procedures for education; referral for treatment, counseling, and rehabilitation; and standards consistent with due process of law for discipline, suspension, or dismissal of students in accordance with section 1162 of this title. Nothing in this section is intended to mandate local school districts to employ counselors for treatment or rehabilitation.

\* \* \*

Sec. 25. 16 V.S.A. § 1224 is amended to read:

§ 1224. REPORTS

The superintendent shall include in his or her annual report to the school board of each district data regarding the students in the district who have been transported or boarded under the provisions of this chapter and the associated expenses. Annually, at a time fixed by the ~~State Board~~ Secretary, the superintendent shall report to the ~~Board~~ Secretary regarding the students transported or boarded under the provisions of this chapter and the associated expenses.

Sec. 26. 16 V.S.A. § 1262b is amended to read:

§ 1262b. RULES

The ~~State Board~~ Secretary shall adopt rules governing grants under section 1262a of this title. The rules shall provide for grants from State funds in accordance with federal guidelines for food programs. The ~~State Board~~ Secretary may adopt other rules that are necessary to carry out the provisions of this subchapter.

Sec. 27. 16 V.S.A. § 1321 is amended to read:

§ 1321. FORM AND CONTENTS OF REGISTER

~~With the approval of the State Board, the~~ The Secretary shall prescribe the content of school registers used to keep records of student enrollment and daily attendance and to obtain statistical and other information from teachers and school officers. Schools shall maintain an electronic system for recording enrollment and attendance

Sec. 28. 16 V.S.A. § 1388 is amended to read:

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

(a) As used in this section:



(1) “Designated personnel” means a school employee, agent, or volunteer who has been authorized by the school administrator to provide and administer epinephrine auto-injectors under this section and who has completed the training required by ~~State Board~~ Agency policy.

\* \* \*

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

\* \* \*

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

Sec. 29. 16 V.S.A. § 1522 is amended to read:

§ 1522. DEFINITIONS

As used in this chapter:

\* \* \*

(10) “CTE tuition” means the amount calculated by subtracting from total regional technical CTE center costs all expenditures from State and federal grants except for incentive grants, adult education grants, or other State grants as defined by ~~State Board~~ Agency rule, then dividing the result by the sum of the actual number of full-time equivalent out-of-state students and the average of the full-time equivalent Vermont students for the three prior years.

\* \* \*

Sec. 30. 16 V.S.A. § 1531 is amended to read:

§ 1531. ~~RESPONSIBILITY OF STATE BOARD~~ SECRETARY OF EDUCATION

(a) The ~~State Board~~ Secretary has overall responsibility for the effectiveness of career technical education. This requires the ~~Board~~ Secretary to collect suitable information and to take appropriate steps within its legal, financial, and personnel resources to ensure that:

\* \* \*

~~(b) In order to provide regional career technical education services efficiently, the State Board shall designate a service region for each career technical center. However, the Board may designate a service region for two or more comprehensive high schools if that region is not served by a career~~

technical center.

~~(c) For a school district that is geographically isolated from a Vermont career technical center, the State Board may approve a career technical center in another state as the career technical center that district students may attend. In this case, the school district shall receive transportation assistance pursuant to section 1563 of this title and tuition assistance pursuant to section 1561(c) of this title. Any student who is a resident in the Windham Southwest Supervisory Union and who is enrolled at public expense in the Charles H. McCann Technical School or the Franklin County Technical School shall be considered to be attending an approved career technical center in another state pursuant to this subsection, and, if the student is from a school district eligible for a small schools support grant pursuant to section 4015 of this title, the student's full-time equivalency shall be computed according to time attending the school.~~

Sec. 31. 16 V.S.A. § 1531a is added to read:

§ 1531a. RESPONSIBILITY OF STATE BOARD

(a) In order to provide regional career technical education services efficiently, the State Board shall designate a service region for each career technical center. However, the Board may designate a service region for two or more comprehensive high schools if that region is not served by a career technical center.

(b) For a school district that is geographically isolated from a Vermont career technical center, the State Board may approve a career technical center in another state as the career technical center that district students may attend. In this case, the school district shall receive transportation assistance pursuant to section 1563 of this title and tuition assistance pursuant to section 1561(c) of this title. Any student who is a resident in the Windham Southwest Supervisory Union and who is enrolled at public expense in the Charles H. McCann Technical School or the Franklin County Technical School shall be considered to be attending an approved career technical center in another state pursuant to this subsection, and, if the student is from a school district eligible for a small schools support grant pursuant to section 4015 of this title, the student's full-time equivalency shall be computed according to time attending the school.

Sec. 32. 16 V.S.A. § 1532 is amended to read:

§ 1532. MINIMUM STANDARDS; MEASUREMENT OF STANDARDS

(a) The State Board Secretary shall adopt by rule:

(1) Minimum standards for the operation and performance of career technical centers that include the education quality standards adopted by the State Board under subdivision 164(9) and section 165 of this title.

(2) Standards for student performance based on the standards adopted by the State Board under subdivision 164(9) of this title and standards for industry recognized credentials.

\* \* \*

Sec. 33. 16 V.S.A. § 1533 is amended to read:

§ 1533. CAREER TECHNICAL CENTER EVALUATION

(a) At least once in each period of five years, and in coordination with the Vermont Advisory Council on Career Technical Education, the Secretary shall evaluate the effectiveness of each career technical center in the State. The ~~State Board~~ Secretary by rule shall prescribe the method for conducting these evaluations.

(b) Evaluations of career technical centers shall consider at least the following areas:

(1) compliance with this chapter and the rules of the ~~State Board~~ Agency;

\* \* \*

Sec. 34. 16 V.S.A. § 1534 is amended to read:

§ 1534. COURSE OF STUDY EVALUATION

(a) At least once in each period of five years, and in coordination with the Vermont Advisory Council on Career Technical Education, the Secretary shall evaluate the effectiveness of each course of study offered by any career technical center in the State. The ~~State Board~~ Secretary by rule shall prescribe the method for conducting these evaluations.

\* \* \*

Sec. 35. 16 V.S.A. § 1544 is amended to read:

§ 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

Subject to any direction and regulations as to courses, teachers, or equipment that the ~~State Board~~ Secretary of Education may prescribe by rule, high schools may include within their courses of study pretechnical or career technical courses, or both. Before establishing such a program, a high school shall consult with the regional advisory board for its CTE service region.

Sec. 36. 16 V.S.A. § 1545 is amended to read:

§ 1545. CREDITS AND GRADES EARNED

(a) Grades earned in a course offered within a CTE program ~~approved by the State Board~~ that complies with Agency rules shall not be altered by any public school or approved or recognized independent school in Vermont and shall be applied by the school toward any State graduation requirements in accordance with rules adopted by the ~~State Board Secretary~~. Any ~~State Board Agency~~ Agency rules regarding earning of credits shall allow flexibility with respect to the integration of CTE education and other academic courses.

(b) The credits earned for a career technical education program ~~approved by the State Board~~ that complies with Agency rules shall be honored by any public or independent school within Vermont. If necessary to enable a student to participate in career technical education and graduate with his or her class, the credits earned shall be applied toward any school district or independent school graduation requirements exceeding the minimum number of credits required by the ~~State Board Agency rule~~. The school board of the high school from which the student wishes to graduate shall make a determination as to whether the credits shall be applied toward graduation requirements. A decision of a school board may be appealed to the Secretary who shall construe this section to favor participation in career technical education.

\* \* \*

Sec. 37. 16 V.S.A. § 1552 is amended to read:

§ 1552. SECONDARY STUDENT TUITION

(a) Each career technical center shall establish a tuition charge for secondary career technical education. The amount shall reflect the actual cost, as defined by Agency rule ~~of the State Board~~, of attendance in the career technical courses offered by the center. The tuition charge shall be reduced proportionally for students enrolled in a part-time program.

(b) Secondary students are eligible for tuition assistance in career technical education provided in another state when the ~~State Board~~ Secretary determines that such career technical education can properly serve the needs of Vermont students.

\* \* \*

Sec. 38. 16 V.S.A. § 1562 is amended to read:

§ 1562. TRYOUT CLASSES

From the monies annually available for use in career technical education, the ~~State Board~~ Secretary may reimburse part of the program cost attributable

to programs designed to assist students in deciding whether to enroll in career technical courses. As a condition of such assistance, the program shall demonstrate that it has taken steps to encourage each student to consider enrolling in courses not traditional for that student's gender.

Sec. 39. 16 V.S.A. § 1563 is amended to read:

§ 1563. TRANSPORTATION ASSISTANCE

\* \* \*

(c) The ~~State Board~~ Secretary may adopt rules necessary to implement this section.

Sec. 40. 16 V.S.A. § 1565 is amended to read:

§ 1565. SALARY ASSISTANCE

(a) The ~~State Board~~ Secretary shall reimburse a school district operating a career technical center for a portion of its cost in paying the salary of the following persons:

\* \* \*

(b) Assistance under this section shall be determined by a formula and standards established by rule of the ~~State Board~~ Secretary. The formula and those standards:

\* \* \*

Sec. 41. 16 V.S.A. § 1568 is amended to read:

§ 1568. REPORTING OF INFORMATION

(a) Annually, in accordance with a time line, format, and process established by ~~State Board~~ Agency rule, each CTE center shall report its costs and student enrollment, achievement, and performance measures to the Secretary. CTE center financial accounts shall be kept separately from those of the host high school in accordance with rules adopted by the ~~State Board~~ Secretary, which shall clearly delineate relevant costs and revenues.

(b) If a CTE center fails to file financial or student information required under this section within the timelines established by Agency rule ~~of the State Board~~, the Secretary may withhold funds due under this chapter and shall subtract \$100.00 per business day from funds due the center under this chapter. The Secretary may waive the \$100.00 penalty upon appeal by the center for good cause.

Sec. 42. 16 V.S.A. § 1577 is amended to read:

§ 1577. DUTIES AND AUTHORITY OF ALTERNATIVE GOVERNANCE BOARD

The governance board of a CTE center authorized under this subchapter, in addition to other duties and authority specifically assigned by law to the governing authority of a CTE center, shall have the following duties and authority:

\* \* \*

(6) To establish and maintain a system for receipt, deposit, disbursement, accounting, control, and reporting procedures that meets the criteria established by the ~~State Board~~ Secretary pursuant to subdivision ~~164(15) 212(24)~~ of this title and that ensures all payments are lawful and in accordance with the budget adopted pursuant to terms approved by the ~~State Board Secretary~~. The ~~Board Secretary~~ may authorize a subcommittee, a superintendent of schools, or a designated employee of the ~~Board Agency~~ to examine claims against the district for center expenses, and draw orders for such as shall be allowed by it payable to the party entitled thereto. Such orders shall state definitely the purpose for which they are drawn, and shall serve as full authority to the treasurer to make such payments. It shall be lawful for a board to submit to its treasurer a certified copy of those portions of the board minutes, properly signed by the clerk and chair, or a majority of the board, showing to whom, and for what purpose, each payment is to be made by the treasurer, and the certified copy shall serve as full authority to the treasurer to make the approved payments.

\* \* \*

Sec. 43. 16 V.S.A. § 1601 is amended to read:

§ 1601. DEFINITIONS

As used in this chapter:

\* \* \*

(2) “Industry competency standards” ~~mean~~ means performance criteria developed jointly by educators and business representatives and adopted by the ~~State Board Secretary~~ that define skills and knowledge that are needed in the workplace.

\* \* \*

(5) “Student apprentice coordinator” means a licensed professional educator whom the ~~State Board of Education~~ Secretary finds qualified to plan, implement and evaluate a student apprenticeship program.

\* \* \*

Sec. 44. 16 V.S.A. § 1602 is amended to read:

§ 1602. SCHOOL BOARD RESPONSIBILITIES

\* \* \*

(b) Each school board that runs a student apprenticeship program shall:

\* \* \*

(2) Ensure preparation of individuals employed by business to be worksite mentors according to guidelines established by the ~~State Board~~ Secretary. Each participating business shall support the preparation of the worksite mentor as a condition to participating in the student apprenticeship program.

\* \* \*

Sec. 45. 16 V.S.A. § 1603 is amended to read:

§ 1603. ELEMENTS OF THE PROGRAM

(a) An eligible student may apply to enter the student apprenticeship program upon successful completion of grade 10 or its equivalent and meeting entrance requirements established by the ~~State Board of Education~~ Secretary.

\* \* \*

(f) A student apprentice who successfully completes a student apprenticeship program shall receive an industry competency certificate issued by the ~~State Board of Education~~ Secretary. In order to earn an industry competency certificate, a student apprentice shall demonstrate mastery of industry competency standards and shall complete academic requirements for graduation.

\* \* \*

Sec. 46. 16 V.S.A. § 1604 is amended to read:

§ 1604. ~~STATE BOARD~~ SECRETARY OF EDUCATION  
RESPONSIBILITIES

The ~~State Board of Education~~ Secretary shall:

\* \* \*

(6) Certify those who graduate from a student apprenticeship program as meeting industry competency standards for entrance into the trade or profession the student has studied. The ~~State Board~~ Secretary shall maintain a record of certificates issued under this subdivision.

Sec. 47. 16 V.S.A. § 1605 is amended to read:

§ 1605. REGIONAL ADVISORY BOARD RESPONSIBILITIES

Each regional advisory board shall:

(1) Based on standards of operation established by the ~~State Board of Education~~ Secretary, approve or disapprove an application from a school board to establish and operate a student apprenticeship program. The ~~Board Secretary~~ Secretary may rescind approval if the program is not meeting the standards.

(2) Based on standards and processes established by the ~~State Board Secretary~~ Secretary, determine which applicants shall be accepted into the student apprenticeship programs in its region and determine whether a student should be terminated from a program. Decisions regarding acceptance into a program shall, in part, be based on submission of an acceptable career preparation plan developed by the applicant with the help of a guidance counselor. Decisions regarding termination shall be made with the advice of the student apprenticeship coordinator.

\* \* \*

Sec. 48. 16 V.S.A. § 1931 is amended to read:

§ 1931. DEFINITIONS

As used in this chapter:

\* \* \*

(20) “Teacher” shall mean any licensed teacher, principal, supervisor, superintendent, or any professional licensed by the Vermont Standards Board for Professional Educators who is regularly employed, or otherwise contracted if following retirement, for the full normal working time for his or her position in a public day school or school district within the State, or in any school or teacher-training institution located within the State, controlled by the State Board of Education or the Agency of Education, and supported wholly by the State; or in certain public independent schools designated for such purposes by the Board in accordance with section 1935 of this title. In all cases of doubt, the Board shall determine whether any person is a teacher as defined in this chapter. It shall not mean a person who is teaching with an emergency license.

\* \* \*

Sec. 49. 16 V.S.A. § 1935 is amended to read:

§ 1935. TEACHERS IN CERTAIN PUBLIC OR INDEPENDENT SCHOOLS

(a) The Board of Trustees may designate certain public or independent



schools, which are located within the State, and supported wholly or in part by the State but ~~which~~ that are not under the control of the State Board of Education or the Agency of Education, as employers of teachers within the meaning of this chapter.

\* \* \*

Sec. 50. 16 V.S.A. § 2903 is amended to read:

§ 2903. PREVENTING EARLY SCHOOL FAILURE; READING INSTRUCTION

\* \* \*

(b) Foundation for literacy. The ~~State Board~~ Agency of Education, in collaboration with the Agency of Human Services, higher education, literacy organizations, and others, shall develop a plan for establishing a comprehensive system of services for early education in the first three grades to ensure that all students learn to read by the end of the third grade. The plan shall be updated at least once every five years following its initial submission in 1998.

\* \* \*

Sec. 51. 16 V.S.A. § 2905 is amended to read:

§ 2905. PREKINDERGARTEN-16 COUNCIL

\* \* \*

(h) The Council shall report on its activities to the House and Senate Committees on Education and to the ~~State Board~~ Secretary of Education each year in January. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 52. 16 V.S.A. § 2944 is amended to read:

§ 2944. SPECIAL EDUCATION

(a)–(c) [Repealed.]

(d) The Secretary ~~with the advice of the State Board~~ may make grants for programs and may make grants, subject to conditions the Secretary shall establish, to persons whom he or she finds qualified for either part-time or full-time study in programs designed to qualify them as special education personnel.

\* \* \*

Sec. 53. 16 V.S.A. § 2945 is amended to read:

§ 2945. ADVISORY COUNCIL ON SPECIAL EDUCATION

\* \* \*

(d) The Council shall:

\* \* \*

(2) review periodically the rules, regulations, standards, and guidelines pertaining to special education and recommend to the State Board and the Secretary any changes it finds necessary;

\* \* \*

(4) advise the State Board and the Secretary in the development of any State plan for provision of special education.

Sec. 54. 16 V.S.A. § 2958 is amended to read:

§ 2958. RESIDENTIAL PLACEMENT REVIEW TEAM; RESIDENTIAL PLACEMENTS

\* \* \*

(e) Costs for residential placement shall be reimbursed under subchapter 2 of this chapter only if the residential facility is approved by the ~~State Board~~ Secretary for the purposes of providing special education and related services to children with disabilities.

Sec. 55. 16 V.S.A. § 2973 is amended to read:

§ 2973. INDEPENDENT SCHOOL TUITION RATES

\* \* \*

(c) The ~~State Board~~ Secretary is authorized to enter into interstate compacts with other states to regulate rates for tuition, room, and board for students receiving special education in independent schools.

Sec. 56. 16 V.S.A. § 2974 is amended to read:

§ 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

Annually, the Secretary shall report to the ~~State Board~~ House and Senate Committees on Education regarding:

\* \* \*

Sec. 57. 16 V.S.A. § 2974 is amended to read:

§ 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

Annually, the Secretary shall report to the ~~State Board~~ House and Senate Committees on Education regarding:

\* \* \*

Sec. 58. 16 V.S.A. § 2974 is amended to read:

§ 2869. LOAN CANCELLATION; MATHEMATICS, SCIENCE, AND  
COMPUTER SCIENCE TEACHERS

(a) Loans obtained under this subchapter may be partially or completely cancelled and forgiven for a borrower who is employed for a complete academic school year as a full-time licensed teacher:

(1) in a Vermont elementary or secondary school ~~that is approved by the State Board;~~ and

\* \* \*

Sec. 59. 16 V.S.A. § 3448 is amended to read:

§ 3448. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION  
PROJECTS; RENEWABLE ENERGY

(a) Construction aid.

(1) Preliminary application for construction aid. A district or independent school eligible for assistance under section 3447 of this title, that intends to construct or purchase a new school, or make extensive additions or alterations to its existing school, and desires to avail itself of State school construction aid, shall submit a written preliminary application to the Secretary. A preliminary application shall include information required by the ~~State Board~~ Secretary by rule and shall specify the need for and purpose of the project.

(2) Approval of preliminary application.

(A) When reviewing a preliminary application for approval, the Secretary shall consider:

\* \* \*

(iv) statewide educational initiatives ~~and the strategic plan of the State Board of Education.~~

\* \* \*

(3) Priorities. Following approval of a preliminary application and provided that the district has voted funds or authorized a bond for the total estimated cost of a project, the ~~State Board~~ Secretary shall assign points to the project so that the project can be placed on a priority list based on the number of points received. Once a project receives points, if it does not receive funding in a given year, it shall not lose points in subsequent years and, pursuant to rule of the ~~Board~~ Secretary and provided the scope of the project remains the same, it shall gain points due to length of time on the list and may

gain points for any other reason. The points shall be assigned in the following priority:

\* \* \*

(4) Request for legislative appropriation. ~~By~~ On or before January 15 of each year, the ~~State Board~~ Secretary shall present the House Committee on Corrections and Institutions and the Senate Committee on Institutions with its annual capital construction funding request. Following receipt of the request, the Committees shall recommend a total school construction appropriation for the next fiscal year to the General Assembly. The General Assembly shall not revise the order of the project priorities presented by the ~~State Board~~ Secretary. The funding request to the Committees shall be in the form of separate line items as follows:

(A) a list of projects that have been assigned points in their order of priority, including the voted funds or authorized bond amount for each project;

(B) the cost of emergency projects that the ~~State Board~~ Secretary has approved but not yet reimbursed due to insufficient funds, as well as the estimated cost of those that might be approved in the coming year under subsection (d) of this section;

(C) the cost of projects to extend the life of a building that the ~~State Board~~ Secretary has approved but not yet reimbursed due to insufficient funds, as well as the estimated cost of those that might be approved by the ~~State Board~~ Secretary in the coming fiscal year under subdivision (3)(B) of this subsection (a).

(5) Final approval for construction aid.

(A) Unless approved by the Secretary for good cause in advance of commencement of construction, a school district shall not begin construction before the ~~State Board~~ Secretary approves a final application. A school district may submit a written final application to the ~~State Board~~ Secretary at any time following approval of a preliminary application.

(B) The ~~State Board~~ Secretary may approve a final application for a project provided that:

\* \* \*

(iv) the district has provided for construction financing of the project during a period prescribed by the ~~State Board~~ Secretary;

\* \* \*

(C) The board of trustees of an independent school may submit a written final application to the ~~State Board~~ Secretary for a project for which a

preliminary application has been approved by the Secretary, provided that each municipality represented on the board of trustees has voted funds or authorized a bond issue for 100 percent of the municipality's estimated share of the project in an amount determined by the Secretary under this section.

(D) The ~~State Board~~ Secretary may provide that a grant for a high school project is conditioned upon the agreement of the recipient to provide high school instruction for any high school pupil living in an area prescribed by the ~~Board~~ Secretary who may elect to attend the school.

\* \* \*

(8) Eligible construction cost.

(A) Space and cost parameters. Only those portions of a project shall be eligible for construction aid that meet space and cost parameters adopted by the ~~State Board~~ Secretary. The parameters shall define maximum square footage costs, maximum gross square footage per student by grade range and school size, and minimum and maximum square footage allowances per student for programs and services.

\* \* \*

(9) Payment. Upon satisfactory evidence that a project approved under subdivision (5) of this subsection (a) is under construction or has been constructed, and upon appropriation of funds sufficient to fund the State aid due under this section, the ~~State Board~~ Secretary shall certify an award for the project to the Commissioner of Finance and Management who shall issue a warrant for the payment of one-half of the award, or the entire award if the project is complete. After a project has been completed according to approved plans and specifications and the cost thereof has been audited by the Agency, the Secretary shall certify the remainder of the award due for the project to the Commissioner of Finance and Management who shall issue a warrant for the payment. Provided, however, if a project that is included on a prioritized list, for which list the General Assembly has appropriated funds in any year, is not eligible to be certified for one-half of the award or for the entire award, and if another project of lesser priority is eligible for certification, nothing in this section shall preclude the ~~State Board~~ Secretary from certifying an award for the lesser priority project prior to the higher priority project.

\* \* \*

(e) Rules. The ~~State Board~~ Secretary shall adopt rules pertaining to school construction and capital outlay.

\* \* \*

Sec. 60. 16 V.S.A. § 3448a is amended to read:

§ 3448a. APPEAL

Any municipal corporation or independent school as defined in section 3447 of this title aggrieved by an order, allocation or award of the ~~State Board~~ Secretary of Education may, within 30 days, appeal ~~therefrom~~ to the State Board, and may appeal from the decision of the State Board, within 30 days of that decision, to the Superior Court in the county in which the project is located.

Sec. 61. 16 V.S.A. § 3448f is amended to read:

§ 3448f. ENERGY PERFORMANCE CONTRACTING;  
AUTHORIZATION; STATE AID

(a) Definitions. As used in this section:

(1) “Cost-saving measure” means any facility improvement, repair, or alteration or any equipment, fixture, or furnishing to be constructed or installed in any facility that is designed to reduce energy consumption and operating costs or to increase the operating efficiency of facilities for their appointed functions, that is cost effective, and that is further defined by ~~State Board~~ Agency rule.

\* \* \*

(f) State funding for energy conservation measures.

\* \* \*

(3) Priorities. Following approval of a district’s application, the ~~State Board~~ Secretary shall assign points, established by ~~Board~~ Agency rule, to the project so that the project can be placed on a priority list distinct from but similar to the list established under section 3448 of this title, based on the number of points received. Once a project receives points, if it does not receive funding in a given year, it shall not lose points in subsequent years and, pursuant to ~~Board~~ Agency rule and provided the scope of the project remains the same, it shall gain points due to the length of time on the list and may gain points for any other reason. Prioritized projects under this section shall be included in the ~~State Board’s~~ Secretary’s request for legislative appropriation as a separate and distinct line item under section 3448 of this title. Any legislative appropriation made to fund the line item for performance contracts shall not exceed 20 percent of the appropriation made in the same year to fund State aid for school construction under section 3448.

\* \* \*

(5) Eligible costs. A project or portions of a project under this section shall be eligible for aid pursuant to criteria established by ~~State Board~~ Agency rule.

(6) Payment. Upon completion of the construction or installation of the cost-saving measure, determination by the Department of Buildings and General Services that implementation of the cost-saving measures is expected to result in energy and operational cost-savings, and legislative appropriation sufficient to fund the State aid due under this section, the ~~State Board~~ Secretary shall certify an award for the project to the Commissioner of Finance and Management who shall issue a warrant for the payment of the award. A district awarded State aid under this section shall use the State aid solely for the purpose of paying all or a portion of the obligation due under the performance contract at the time the award is received.

\* \* \*

Sec. 62. 16 V.S.A. § 3454 is amended to read:

§ 3454. DEFERRED MAINTENANCE

No State school construction aid shall be available under this title for any proposed project or construction if the Secretary finds the need for the project or construction has arisen in whole or in part from significant deferred maintenance. The ~~State Board~~ Secretary, by rule, shall define “significant deferred maintenance.”

Sec. 63. 16 V.S.A. § 3581 is amended to read:

§ 3581. ACCEPTANCE

The ~~State Board~~ Secretary may accept, use, disburse, and account for federal funds made available for the purposes of acquisition, construction, reconstruction, remodeling, or repair of public school buildings.

Sec. 64. 16 V.S.A. § 3582 is amended to read:

§ 3582. FORMULATION OF PLANS

The ~~State Board~~ Secretary may formulate any State plan, including preparation of surveys and estimates of school building needs, required by federal legislation.

Sec. 65. 16 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

As used in this chapter:

(1) “Average daily membership” of a school district, or if needed in order to calculate the appropriate homestead tax rate, of the municipality as

defined in 32 V.S.A. § 5401(9), in any year means:

(A) The full-time equivalent enrollment of students, as defined by the ~~State Board~~ Secretary by rule, who are legal residents of the district or municipality attending a school owned and operated by the district, attending a public school outside the district under section 822a of this title, or for whom the district pays tuition to one or more approved independent schools or public schools outside the district during the annual census period. The census period consists of the 11th day through the 30th day of the school year in which school is actually in session.

(B) The full-time equivalent enrollment in the year before the last census period, of any State-placed students as defined in subdivision 11(a)(28) of this title. A school district that provides for the education of its students by paying tuition to an approved independent school or public school outside the district shall not count a State-placed student for whom it is paying tuition for purposes of determining average daily membership. A school district that is receiving the full amount, as defined by the ~~State Board~~ Secretary by rule, of the student's education costs under subsection 2950(a) of this title, shall not count the student for purposes of determining average daily membership. A State-placed student who is counted in average daily membership shall be counted as a student for the purposes of determining weighted student count.

\* \* \*

(6) "Education spending" means the amount of the school district budget, any assessment for a joint contract school, career technical center payments made on behalf of the district under subsection 1561(b) of this title, and any amount added to pay a deficit pursuant to 24 V.S.A. § 1523(b) that is paid for by the school district, but excluding any portion of the school budget paid for from any other sources such as endowments, parental fundraising, federal funds, nongovernmental grants, or other State funds such as special education funds paid under chapter 101 of this title.

(A) [Repealed.]

(B) For purposes of calculating excess spending pursuant to 32 V.S.A. § 5401(12), "education spending" shall not include:

\* \* \*

(iii) Spending that is approved school capital construction spending or deposited into a reserve fund under 24 V.S.A. § 2804 to pay future approved school capital construction costs, including that portion of tuition paid to an independent school designated as the public high school of the school district pursuant to section 827 of this title for capital construction costs by the independent school that has received approval from the ~~State Board~~ of



~~Education~~ Secretary, using the processes for preliminary approval of public school construction costs pursuant to subdivision 3448(a)(2) of this title.

\* \* \*

Sec. 66. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

(1) “Eligible school district” means a school district that:

(A) operates at least one school with an average grade size of 20 or fewer; and

(B) has been determined by the ~~State Board~~ Secretary, on an annual basis, to be eligible due to either:

\* \* \*

Sec. 67. 16 V.S.A. § 4016 is amended to read:

§ 4016. REIMBURSEMENT FOR TRANSPORTATION EXPENDITURES

\* \* \*

(b) ~~In~~ As used in this section, “allowable transportation expenditures” means the costs of transporting students to and from school for regular classroom services and shall not include expenditures for transporting students participating in curricular activities that take place off the school grounds or for transporting students participating in cocurricular activities. The ~~State Board~~ Secretary shall further define allowable transportation expenditures by rule.

(c) A district or supervisory union may apply and the Secretary may pay for extraordinary transportation expenditures incurred due to geographic or other conditions such as the need to transport students out of the school district to attend another school because the district does not maintain a public school. The ~~State Board~~ Secretary shall define extraordinary transportation expenditures by rule. The total amount of base year extraordinary transportation grant expenditures shall be \$250,000.00 for fiscal year 1997, increased each year thereafter by the annual price index for state and local government purchases of goods and services. Extraordinary transportation expenditures shall not be paid out of the funds appropriated under subsection (b) of this section for other transportation expenditures. Grants paid under this section shall be paid from the Education Fund and shall be added to adjusted education payment receipts paid under section 4011 of this title.

Sec. 68. 16 V.S.A. § 4030 is amended to read:

§ 4030. DATA SUBMISSION; CORRECTIONS

(a) Upon discovering an error or change in data submitted to the Secretary for the purpose of determining payments to or from the Education Fund, a school district shall report the error or change to the Secretary as soon as possible. Any budget deficit or surplus due to the error or change shall be carried forward to the following year.

\* \* \*

(e) The ~~State Board~~ Secretary may adopt rules as necessary to implement the provisions of this section.

Sec. 69. EFFECTIVE DATES

This act shall take effect on passage, except for Sec. 57 (16 V.S.A. § 2974) which shall take effect on July 1, 2022.

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

An act relating to reforming the State Board of Education.

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.

**Rules Suspended; Third Reading Ordered**

**H. 793.**

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

An act relating to the powers and duties of the Auditor of Accounts.

Was taken up for immediate consideration.

Senator Collamore, for the Committee on Government Operations, to which the bill was referred, reported that the bill ought to pass in concurrence.

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; Proposal of Amendment; Third Reading Ordered**

**H. 948.**

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

An act relating to temporary municipal proceedings provisions in response to the COVID-19 outbreak.

Was taken up for immediate consideration.

Senator Pollina, for the Committee on Government Operations, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. MUNICIPAL QUASI-JUDICIAL PROCEEDINGS; TEMPORARY  
SUSPENSION OF IN-PERSON HEARING AND INSPECTION  
REQUIREMENTS

(a) Notwithstanding any provision of law to the contrary, during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, a municipality is authorized to conduct any municipal quasi-judicial proceeding through electronic means, provided that the municipality complies with all other requirements for the conduct of the proceeding. The municipality shall not be required to designate a physical location for the proceeding.

(b)(1) Notwithstanding 32 V.S.A. § 4404(c), during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, a board of civil authority shall not be required to physically inspect any property that is the subject of an appeal. If the appellant requests in writing that the property be inspected for purposes of the appeal, a member or members of the Board shall conduct the inspection through electronic means. If the appellant does not facilitate the inspection through electronic means, then the appeal shall be deemed withdrawn.

(2) Notwithstanding 32 V.S.A. § 4467, during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, a hearing officer shall not be required to physically inspect any property that is the subject of an appeal. If the appellant requests in writing that the property be inspected for purposes of the appeal, the hearing officer shall conduct the inspection through electronic means. If the appellant does not facilitate the inspection through electronic means, then the appeal shall be deemed withdrawn.

(3) As used in this subsection, “electronic means” means the transmittal of video or photographic evidence by the appellant at the direction of the Board members or hearing officer conducting the inspection.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass in concurrence with 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.

### **Rules Suspended; Bills Messaged**

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

**S. 190, H. 643, H. 951, H. 953.**

### **Message from the House No. 48**

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 House bills of the following titles:

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

**H. 958.** An act relating to communications union districts.

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

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

**S. 345.** An act relating to temporary municipal meeting provisions in response to the COVID-19 outbreak.

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

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

**H. 947.** An act relating to temporary municipal tax rate provisions in response to COVID-19.

And has severally concurred therein.

### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, May 28, 2020.

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**THURSDAY, MAY 28, 2020**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Roll Call**

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

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

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Windsor District

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

### **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. 348.**

By the Committee on Government Operations,

An act relating to temporary elections procedures in the year 2020.

### **Bills Referred**

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

#### **H. 955.**

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

To the Committee on Institutions.

#### **H. 958.**

An act relating to communications union districts.

To the Committee on Government Operations.

### **Bills Passed**

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

**S. 166.** An act relating to dissolution of the State Board of Education.

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

### **Bill Passed in Concurrence**

#### **H. 793.**

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

An act relating to the powers and duties of the Auditor of Accounts.

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

#### **H. 948.**

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

An act relating to temporary municipal proceedings provisions in response to the COVID-19 outbreak.

**Third Reading Ordered**

**J.R.S. 54.**

Joint Senate resolution entitled:

Joint resolution relating to the annual State lands transactions.

Having appeared on the Calendar for notice for one day, was taken up.

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

**Proposals of Amendment; Third Reading Ordered**

**H. 788.**

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

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

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

First: By striking out Sec. 272, 26 V.S.A. § 373(a), in its entirety and inserting in lieu thereof the following:

Sec. 272. [Deleted.]

Second: By striking out Sec. 275, 26 V.S.A. § 1400(f), in its entirety and inserting in lieu thereof the following:

Sec. 275. [Deleted.]

Third: By striking out Sec. 277, 26 V.S.A. § 1734b(a), in its entirety and inserting in lieu thereof the following:

Sec. 277. [Deleted.]

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.

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Government Operations?, Senator Bray moved to amend the proposals of amendment of the Committee on Government Operations, by adding a proposal of amendment as

follows: In Sec. 304, effective dates, preceding “(amending 2014 Acts and Resolves No. 131, Sec. 135, as amended)” by striking out the following: “Sec. 300” and inserting in lieu thereof the following: Sec. 299

Which was agreed to.

Thereupon, the proposal of amendment of the Committee on Government Operations, as amended was agreed to and third reading of the bill was ordered.

### **Rules Suspended; Bills Messaged**

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

**S. 166, S. 233, H. 793, H. 948.**

### **Adjournment**

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

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### **FRIDAY, MAY 29, 2020**

The Senate was called to order by the President.

### **Devotional Exercises**

A moment of silence was observed in lieu of devotions.

### **Roll Call**

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

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



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

### **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. 349.**

By the Committee on Appropriations,  
An act relating to emergency funding for local government.

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

#### **S. 255.**

House proposal of amendment to Senate bill entitled:

An act relating to captive insurance.

Was taken up.

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

\* \* \* 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;

\* \* \*

\* \* \* Capital and Surplus Requirements; Mergers \* \* \*

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.

\* \* \*

(c) Capital and surplus may be in the form of cash, marketable securities, a trust approved by the Commissioner and of which the Commissioner is the sole beneficiary, or an irrevocable letter of credit issued by a bank approved by the Commissioner. The Commissioner may reduce or waive the capital and surplus amounts required by this section pursuant to a plan of dissolution for the company approved by the Commissioner.

\* \* \*

Sec. 3A. 8 V.S.A. § 6006(j) is amended to read:

(j) The provisions of chapter 101, subchapters 3 and 3A of this title, pertaining to mergers, consolidations, conversions, mutualizations, redomestications, and mutual holding companies, shall apply in determining the procedures to be followed by captive insurance companies in carrying out any of the transactions described therein, except that:

\* \* \*

(6) The Commissioner may waive or modify application of the provisions of chapter 132 and chapter 101, subchapters 3 and 3A of this title

and the provisions of Titles 11, 11A, and 11B in order to permit mergers of a non-insurer subsidiary of a captive insurance company with and into the captive insurance company or another of its subsidiaries without approval of the shareholders, members, or subscribers of such captive insurance company and without making available to the shareholders, members, or subscribers dissenters' rights otherwise made available in such a merger; provided, however, that the board of directors, managers, or subscribers' advisory committee of each of the merging entities shall approve such merger. The Commissioner may condition any such waiver or modification upon a good faith effort by the captive insurance company to provide notice of the merger to its shareholders, members, or subscribers.

\* \* \* 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. REDESIGNATIONS

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.

\* \* \* Affiliated Reinsurance Companies \* \* \*

Sec. 11A. 8 V.S.A. § 6049b(1) is amended to read:

(1) "Affiliated reinsurance company" means a company licensed by the Commissioner pursuant to this subchapter to reinsure risks ceded by ~~a ceding insurer~~ one or more ceding insurers that is its parent or affiliate are affiliated companies. Subject to the prior approval of the Commissioner, not more than 10 percent of the risks reinsured may be ceded by ceding insurers that are not affiliated companies.

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

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

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

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**Bill Passed in Concurrence with Proposals of Amendment****H. 788.**

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

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

**Joint Resolution Adopted on the Part of the Senate****J.R.S. 54.**

Joint Senate resolution of the following title was read the third time and adopted on the part of the Senate:

Joint resolution relating to the annual State lands transactions.

**Third Reading Ordered****H. 554.**

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

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

Reported that the bill ought to pass in concurrence.

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

**Bill Recommitted****H. 558.**

House bill entitled:

An act relating to exempting the Victims Compensation Board from the Open Meeting Law.

Was taken up.

Thereupon, pending the reading of the report of the Committee on Government Operations, on motion of Senator Pollina, the bill was recommitted to the Committee on Government Operations.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, June 2, 2020, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 55.