

By Reps. Webb and others,

H.C.R. 337.

House concurrent resolution designating October 6, 2020 as Vermont Mask Day.

By Reps. Hooper and others,

H.C.R. 338.

House concurrent resolution honoring Vermont State employees who have performed their duties in a professional and exemplary manner during the COVID-19 pandemic.

By Reps. Dolan and others,

H.C.R. 339.

House concurrent resolution congratulating the Central Vermont Pioneers on winning the 2019 Empire State Sled Hockey Championship.

By Reps. Austin and others,

By Senator Mazza,

H.C.R. 340.

House concurrent resolution congratulating the Colchester All-Stars on winning the 2020 Vermont State Little League Baseball championship.

By Rep. McCoy,

H.C.R. 341.

House concurrent resolution congratulating the 2019 Poultney High School Blue Devils Division III championship football team.

By Reps. Mrowicki and Hashim,

By Senators White and Balint,

H.C.R. 342.

House concurrent resolution honoring Curtis Tuff of Putney and his Curtis' All American BARBQ.

Adjournment

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

SATURDAY, SEPTEMBER 19, 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.

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 four o'clock in the afternoon on Monday, September 21, 2020.

MONDAY, SEPTEMBER 21, 2020

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

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

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 Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin |

| | |
|---------------------|--|
| Franklin District | Senator Randolph D. Brock Senator Corey. J. Parent |
| 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 |

Proposal of Amendment; Third Reading Ordered

H. 673.

Senator Parent, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to tree wardens.

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. 24 V.S.A. § 871 is amended to read:

§ 871. ORGANIZATION OF SELECTBOARD; APPOINTMENTS

(a) Forthwith after its election and qualification, the selectboard shall organize and elect a chair and, if so voted, a clerk from among its number, and file a certificate of such election for record in the office of the town clerk.

(b) The selectboard shall ~~thereupon~~ appoint ~~from among the registered voters~~ a tree warden, who need not be a resident of the municipality, and may ~~thereupon~~ appoint from among the registered voters the following officers who shall serve until their successors are appointed and qualified, and shall certify ~~such~~ the appointments to the town clerk who shall record the same:

* * *

(c) After the selectboard appoints a tree warden, the selectboard shall certify the appointment to the Commissioner of Forests, Parks and Recreation.

The certification shall include contact information for the appointed tree warden.

Sec. 2. 24 V.S.A. chapter 67 is amended to read:

CHAPTER 67. PARKS AND SHADE TREES

* * *

§ 2501a. DEFINITIONS

As used in this chapter:

(1) “Public place” means municipal property, including a municipal park, a recreation area, or a municipal building. “Public place” shall not include any municipal forestland or property that is subject to any ownership interest held by the Agency of Transportation.

(2) “Public way” means a right-of-way held by a municipality, including a town highway.

(3) “Shade tree” means a shade or ornamental tree located in whole or in part within the limits of a public way or public place, provided that the tree:

(A) was planted by the municipality; or

(B) is designated as a shade tree pursuant to a municipal shade tree preservation plan pursuant to section 2502 of this title.

§ 2502. TREE WARDENS AND PRESERVATION OF SHADE TREES

~~Shade and ornamental trees within the limits of public ways and places shall be under the control of the tree warden. The tree warden may plan and implement a town or community shade tree preservation program for the purpose of shading and beautifying public ways and places by planting new trees and shrubs; by maintaining the health, appearance, and safety of existing trees through feeding, pruning, and protecting them from noxious insect and disease pests and by removing diseased, dying, or dead trees which create a hazard to public safety or threaten the effectiveness of disease or insect control programs.~~

(a) The tree warden shall control all shade trees within the municipality.

(b) The tree warden and the legislative body of the municipality may adopt a shade tree preservation plan. The plan shall:

(1) describe any program for the planting of new trees and shrubs;

(2) provide for the maintenance of shade trees through feeding, pruning, and protection from noxious insect and disease pests;

(3) determine the apportionment of costs for tree warden services provided to other municipal corporations;

(4) determine whether tree maintenance or removal on specific municipal property shall require the approval of another municipal officer or legislative body; and

(5) determine the process, not inconsistent with this chapter, for the removal of:

(A) diseased, dying, or dead shade trees; and

(B) any shade trees that create a hazard to public safety, impact a disease or insect control program, or must be removed to comply with State or federal law or permitting requirements.

(c) The shade tree preservation plan may:

(1) map locations or zones within the municipality where all trees in whole or in part within a public way or place shall be designated as shade trees; and

(2) designate as a shade tree any tree in whole or in part within a public way, provided that the tree warden and legislative body of the municipality find that the tree is critical to the cultural, historical, or aesthetic character of the municipality.

(d) The tree warden and legislative body of the municipality shall hold a minimum of one public hearing concerning the shade tree preservation plan for the purpose of soliciting public input. The legislative body shall publish the proposed plan 10 days prior to the public hearing.

(e) For the purpose of promoting the public health, safety, welfare, and convenience, a municipality shall have authority to adopt an ordinance that is not inconsistent with this chapter for the administration of the shade tree preservation plan and the regulation of shade trees. The tree ordinance shall be adopted pursuant to chapter 59 of this title.

§ 2503. APPROPRIATIONS

A municipality may appropriate a sum of money to be expended by the tree warden, ~~or if one is not appointed, by the mayor, aldermen, selectboard, or trustees~~ for the purpose of carrying out this chapter.

§ 2504. REMOVAL OF SHADE TREES; EXCEPTION

(a) The tree warden may remove or cause to be removed from the public ways or places all any trees and other plants upon which noxious insects or tree diseases naturally breed that are infested with or infected by a tree pest or

that constitute a public hazard. The notice and hearing requirements of section 2509 of this chapter shall not apply to the removal of infested or infected trees.

(b) However, where The tree warden may determine that an owner or lessee of abutting real estate shall annually, to the satisfaction of such warden, control property has sufficiently controlled all insect pests or tree diseases upon the trees and other plants within the limits of a highway public way or place abutting such real estate the property, such trees and plants shall not be removed and may determine that it is not necessary to remove the trees.

§ 2505. DEPUTY TREE WARDENS

A tree warden The legislative body of the municipality may appoint deputy tree wardens and dismiss them at pleasure who shall serve under the direction of the tree warden and shall have the same duties and authority as the tree warden. The legislative body of the municipality may dismiss a deputy tree warden at its pleasure.

§ 2506. REGULATIONS FOR PROTECTION OF SHADE TREES

A tree warden shall enforce all laws relating to public shade trees and may prescribe such propose to the legislative body of the municipality the rules and, ordinances, or regulations for the planting, protection, care, or removal of public shade trees as he or she deems expedient. Such The legislative body of the municipality may adopt the rules, ordinances, or regulations shall become effective pursuant to the provisions of chapter 59 of this title.

§ 2507. COOPERATION

The With consent of the legislative body of the municipality, the tree warden may:

(1) enter into financial or other agreements with the owners of land adjoining or facing public ways and places for the purpose of encouraging and effecting a community-wide the shade tree planting and preservation program. He or she may plan;

(2) enter into agreements with other municipal corporations to provide tree warden services or training; and

(3) cooperate with federal, State, county, or other municipal governments, agencies, or other public or private organizations or individuals and may accept such on behalf of the municipality any funds, equipment, supplies, or services from organizations and individuals, or others, as deemed appropriate for use in carrying out the purposes of this chapter.

§ 2508. CUTTING SHADE TREES; REGULATIONS PROHIBITED

Unless otherwise provided, a public Except as otherwise provided in

19 V.S.A. chapter 9, a shade tree shall not be cut or removed, in whole or in part, except by a tree warden or his or her deputy or by a person having the written permission of a tree warden.

§ 2509. CUTTING SHADE TREES; NOTICE AND HEARING

~~(a) A public shade tree within the residential part of a municipality shall not be felled without a public hearing by the tree warden, except that when it is infested with or infected by a recognized tree pest, or when it constitutes a hazard to public safety, no hearing shall be required. The tree warden shall post public notice of the intent to cut or remove a shade tree. The notice shall be posted a minimum of 15 days prior to cutting or removing the tree. If the cutting or removal is appealed pursuant to subsection (c) of this section, the legislative body of the municipality shall hold a public hearing. This subsection shall not apply to the cutting or removal of a shade tree or trees that:~~

(1) are infested with or infected by, or at risk to become infested with or infected by, a tree pest and are located in an infestation area designated by the Agency of Agriculture, Food and Markets and Department of Forests, Parks and Recreation;

(2) are a hazard to public safety; or

(3) must be removed for the municipality to comply with State or federal law or permitting requirements.

~~(b)(1) In all cases the decision of the tree warden shall be final, except that when the tree warden is an interested party or when a party in interest so requests in writing, such final decision shall be made by the legislative body of the municipality. The tree warden shall post public notice of the intent to cut or remove a shade tree or group of shade trees pursuant to subsection (a) of this section in at least two conspicuous locations within the municipality. The tree warden shall post the public notice in or near the office of the clerk of the municipality.~~

(2) When the shade tree or group of shade trees are located on property held in fee by another, the municipality shall notify each abutting landowner at the landowner's address of record.

(c)(1) Within 15 days after the posting of public notice, a resident or landowner may appeal in writing to the legislative body of the municipality to object to the cutting or removal of a shade tree. The legislative body of the municipality shall give notice of the appeal to the tree warden.

(2) Within 10 business days after receipt of an appeal, the legislative body of the municipality shall hold a public hearing with the tree warden to

receive public comment on the proposed cutting or removal of the shade tree. The tree warden shall stay action on the proposed removal until the legislative body of the municipality renders a final decision on the appeal.

(d) In all cases, the decision of the legislative body of the municipality shall be final.

§ 2510. PENALTY

(a) Whoever shall, willfully, mar or deface a ~~public~~ shade tree without the written permission of a tree warden or legislative body of the municipality shall be fined not more than \$50.00 for the use of the municipality.

(b) Any person who, willfully, and critically injures or cuts down a ~~public~~ shade tree without written permission of the tree warden or the legislative body of the municipality shall be fined ~~not more than \$500.00~~ pursuant to 13 V.S.A. § 3602 for each tree so injured or cut, for the use of the municipality.

§ 2511. CONTROL OF INFESTATIONS

~~When an insect or disease pest infestation upon or in ~~public or private~~ shade or ~~private~~ trees threatens other public or private trees, is considered detrimental to a ~~community~~ municipal shade tree preservation program, or threatens the public safety, the tree warden may request surveys and recommendations for control action from the Secretary of Agriculture, Food and Markets or Commissioner of Forests, Parks and Recreation in accordance with 6 V.S.A. chapter 84. On recommendation of the Secretary of Agriculture, Food and Markets, the tree warden may designate areas threatened or affected in which control measures are to be applied and shall publish notice of the proposal in one or more newspapers having a general circulation in the area in which control measures are to be undertaken. On recommendation of the Secretary, the tree warden may apply measures of infestation control on public and private land to any trees, shrubs, or plants thereon harboring or which may harbor the threatening insect or disease pest. He or she may enter into agreements with owners of such lands covering the control work on their lands, but the failure of the tree warden to negotiate with any owner shall not impair his or her right to enter on the lands of said owner to conduct recommended control measures, the cost of which shall be paid by the municipality.~~

* * *

Sec. 3. 19 V.S.A. chapter 9, subchapter 1 is amended to read:

Subchapter 1. General Duties of Towns

§ 901. REMOVAL OF ROADSIDE GROWTH

Except for work that is part of the Transportation Program under section 10g of this title:

(1) A person shall not remove shade trees, as defined in 24 V.S.A. § 2501a, without prior approval of the tree warden pursuant to 24 V.S.A. chapter 67.

(2) A person, other than the abutting landowner or municipality, shall not cut, trim, remove, or otherwise damage any grasses, shrubs, vines, or trees growing within the limits of a state or town highway, without first having obtained the consent of the agency for state highways or the board of selectmen for town highways legislative body.

(3) A person, other than the Agency or the abutting landowner, shall not cut, trim, remove, or otherwise damage any grasses, shrubs, vines, or trees growing within the limits of lands subject to any ownership interest held by the Agency without first obtaining the Agency's written consent.

§ 902. PENALTY FOR REMOVAL

(a) A person, other than the Agency, the abutting landowner, the municipality, or the tree warden, who wilfully willfully or maliciously cuts, trims, removes, or otherwise damages trees within the limits of a State highway or municipal right-of-way shall be fined pursuant to 13 V.S.A. § 3602, unless the person has obtained prior written consent from the Agency, municipality, or tree warden.

(b) A person, other than the Agency, the abutting landowner, the municipality, or the tree warden, who willfully or maliciously cuts, trims, removes, or otherwise damages grasses, shrubs, or vines, or trees within highway limits in violation of section 901 of this title shall be fined not more than \$100.00 nor less than \$10.00, for each offense, unless the person has obtained prior written consent from the Agency or municipality.

* * *

§ 904. TREE AND BRUSH REMOVAL

The ~~selectmen~~ legislative body of a ~~town~~ municipality, if necessary, shall cause to be cut and burned, or removed from within the limits of the highways under their care, trees and bushes ~~which that~~ obstruct the view of the highway ahead or that cause damage to the highway or that are objectionable from a material or scenic standpoint. ~~Shade and fruit trees~~ Trees that have been set out or marked by the abutting landowners and shade trees that have been designated pursuant to 24 V.S.A. chapter 67 shall be preserved if the usefulness or safety of the highway is not impaired. Young trees standing at a proper distance from the roadbed and from each other, and banks and hedges

of bushes that serve as a protection to the highway or add beauty to the roadside, shall be preserved. On ~~state~~ State highways, the ~~secretary~~ Secretary shall have the same authority as the ~~selectmen~~ legislative body.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on November 1, 2020.

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

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

Proposals of Amendment; Third Reading Ordered

H. 833.

Senator Bray, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to the interbasin transfer of surface waters.

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

First: In Sec. 1, Surface Waters Diversions and Transfers Study Group; report, in subsection (c), by striking out subdivision (3) in its entirety and inserting in lieu thereof the following:

(3) identify whether the State of Vermont should develop and implement a statewide permitting or other regulatory regime for diversions or other transfers of surface water, including:

(A) the scale or size of a watershed subject to regulation;

(B) how a permitting program would comply with the Vermont water quality standards;

(C) how or if the permitting program should address the impact of a diversion on groundwater; and

(D) how to address reducing the demands for water through water recycling, reuse, and efficiency measures.

Second: In Sec. 1, Surface Waters Diversions and Transfers Study Group; report, in subsection (e), by striking out "January 15" where it appears and inserting in lieu thereof December 15

Third: In Sec. 1, Surface Waters Diversions and Transfers Study Group; report, in subdivision (f)(4), by striking out “2021” where it appears and inserting in lieu thereof 2022

Fourth: By striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 2. 10 V.S.A. § 1979(b) is amended to read:

(b)(1) The Secretary shall approve the use of sewage holding and pumpout tanks for existing or proposed buildings or structures that are owned by a charitable, religious, or nonprofit organization when he or she determines that:

(A) the plan for construction and operation of the holding tank will not result in a public health hazard or environmental damage;

(B) a designer demonstrates that an economically feasible means of meeting current standards is significantly more costly than the construction and operation of sewage holding and pumpout tanks, based on a projected 20-year life of the project; and

(C) the design flows do not exceed 600 gallons per day or the existing or proposed building or structure shall not be used to host events on more than 28 days in any calendar year.

~~(2) Before constructing a holding tank permitted under this subsection, the applicant shall post a bond or other financial surety sufficient to finance maintenance of the holding tank for the life of the system, which shall be at least 20 years. [Repealed.]~~

(3)(A) A permit issued under this subsection shall run with the land for the duration of the permit and shall apply to all subsequent owners of the property being served by the holding tank regardless of whether the owner is a charitable, religious, or nonprofit organization.

~~(B) All permit conditions, including the financial surety requirement of subdivision (2) of this subsection (b), shall apply to a subsequent owner.~~

(C) A subsequent owner shall not increase the design flows of the holding and pumpout tank system without approval from the Secretary.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

Senator Nitka, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence

with proposal of amendment as recommended by the Committee on Natural Resources and Energy.

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

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

H. 663.

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

An act relating to expanding access to contraceptives.

Was taken up.

The House concurs with the Senate proposal of amendment with further proposal of amendment as follows:

By striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Purpose * * *

Sec. 1. PURPOSE

Vermont has taken many steps to improve access to effective methods of contraception, including requiring health insurance to cover at least one drug, device, or product in each of the 18 methods of contraception for women without cost-sharing, as well as covering voluntary sterilizations for men and women without cost sharing and allowing a patient to have a 12-month supply of oral contraceptives dispensed all at once, as codified at 8 V.S.A. § 4099c, and directing Medicaid reimbursement policies that encourage the use of long-acting reversible contraceptives, as found in 2015 Acts and Resolves No. 120, Sec. 2 and in 33 V.S.A. § 1901j. The General Assembly finds, however, that some of these initiatives have not been implemented consistently across the State. In addition to a request that the Department of Financial Regulation investigate compliance with existing State and federal laws regarding access to contraceptives and take appropriate enforcement action as needed, this bill seeks to provide further opportunities for Vermonters to learn about and obtain contraceptives in order to prevent or reduce unintended pregnancies and sexually transmitted diseases in this State.

* * * Expanding Access to Contraceptives * * *

Sec. 2. 8 V.S.A. § 4099c is amended to read:

§ 4099c. REPRODUCTIVE HEALTH EQUITY IN HEALTH INSURANCE
COVERAGE

(a) As used in this section, “health insurance plan” means any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer, as defined by 18 V.S.A. § 9402. The term shall not include benefit plans providing coverage for a specific disease or other limited benefit coverage.

(b) A health insurance plan shall provide coverage for outpatient contraceptive services including sterilizations, and shall provide coverage for the purchase of all prescription contraceptives and prescription contraceptive devices approved by the federal Food and Drug Administration, except that a health insurance plan that does not provide coverage of prescription drugs is not required to provide coverage of prescription contraceptives and prescription contraceptive devices. A health insurance plan providing coverage required under this section shall not establish any rate, term, or condition that places a greater financial burden on an insured or beneficiary for access to contraceptive services, prescription contraceptives, and prescription contraceptive devices than for access to treatment, prescriptions, or devices for any other health condition.

(c) A health insurance plan shall provide coverage without any deductible, coinsurance, co-payment, or other cost-sharing requirement for at least one drug, device, or other product within each method of contraception for women identified by the U.S. Food and Drug Administration (FDA) and prescribed by an insured’s health care provider.

(1) The coverage provided pursuant to this subsection shall include patient education and counseling by the patient’s health care provider regarding the appropriate use of the contraceptive method prescribed.

(2)(A) If there is a therapeutic equivalent of a drug, device, or other product for an FDA-approved contraceptive method, a health insurance plan may provide coverage for more than one drug, device, or other product and may impose cost-sharing requirements as long as at least one drug, device, or other product for that method is available without cost-sharing.

(B) If an insured’s health care provider recommends a particular service or FDA-approved drug, device, or other product for the insured based on a determination of medical necessity, the health insurance plan shall defer

to the provider's determination and judgment and shall provide coverage without cost-sharing for the drug, device, or product prescribed by the provider for the insured.

(d) A health insurance plan shall provide coverage for voluntary sterilization procedures for men and women without any deductible, coinsurance, co-payment, or other cost-sharing requirement, except to the extent that such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223.

(e) A health insurance plan shall provide coverage without any deductible, coinsurance, co-payment, or other cost-sharing requirement for clinical services associated with providing the drugs, devices, products, and procedures covered under this section and related follow-up services, including management of side effects, counseling for continued adherence, and device insertion and removal.

(f)(1) A health insurance plan shall provide coverage for a supply of prescribed contraceptives intended to last over a 12-month duration, which may be furnished or dispensed all at once or over the course of the 12 months at the discretion of the health care provider. The health insurance plan shall reimburse a health care provider or dispensing entity per unit for furnishing or dispensing a supply of contraceptives intended to last for 12 months.

(2) This subsection shall apply to Medicaid and any other public health care assistance program offered or administered by the State or by any subdivision or instrumentality of the State.

(g) Benefits provided to an insured under this section shall be the same for the insured's covered spouse and other covered dependents.

(h) The coverage requirements of this section shall apply to self-administered hormonal contraceptives prescribed for an insured by a pharmacist in accordance with 26 V.S.A. § 2023.

Sec. 3. 16 V.S.A. § 131 is amended to read:

§ 131. ~~DEFINITIONS~~ DEFINITION

~~For purposes of As used in this subchapter title,~~ "comprehensive health education" means a systematic and extensive elementary and secondary educational program designed to provide a variety of learning experiences based upon knowledge of the human organism as it functions within its environment. The term includes the study of:

(1) Body structure and function, including the physical, psychosocial, and psychological basis of human development, sexuality, and reproduction.

(2) Community health to include environmental health, pollution, public health, and world health.

(3) Safety, including:

(A) first aid, disaster prevention, and accident prevention; and

(B) information regarding and practice of compression-only cardiopulmonary resuscitation and the use of automated external defibrillators.

(4) Disease, such as HIV infection, other sexually transmitted diseases, as well as other communicable diseases, and the prevention of disease.

(5) Family health and mental health, including instruction that promotes the development of responsible personal behavior involving decision making about sexual activity, including abstinence; skills that strengthen existing family ties involving communication, cooperation, and interaction between parents and students; and instruction to aid in the establishment of strong family life in the future, thereby contributing to the enrichment of the community; and which promotes an understanding of depression and the signs of suicide risk in a family member or fellow student that includes how to respond appropriately and seek help and provides an awareness of the available school and community resources such as the local suicide crisis hotline.

(6) Personal health habits, including dental health.

(7) Consumer health, including health careers, health costs, and utilizing health services.

(8) Human growth and development, including understanding the physical, emotional, and social elements of individual development and interpersonal relationships, including instruction in parenting methods and styles. This shall include information regarding the possible outcomes of premature sexual activity, contraceptives, adolescent pregnancy, childbirth, adoption, and abortion.

(9) Drugs, including education about alcohol, caffeine, nicotine, and prescribed drugs.

(10) Nutrition.

(11) How to recognize and prevent sexual abuse and sexual violence, including developmentally appropriate instruction about promoting healthy and respectful relationships, developing and maintaining effective communication with trusted adults, recognizing sexually offending behaviors, and gaining awareness of available school and community resources. An employee of the school shall be in the room during the provision of all

instruction or information presented under this subdivision.

Sec. 4. 16 V.S.A. § 132 is added to read:

§ 132. SECONDARY SCHOOLS; PROVISION OF CONTRACEPTIVES

In order to prevent or reduce unintended pregnancies and sexually transmitted diseases, each school district shall make condoms available to all students in its secondary schools, free of charge. School district administrative teams, in consultation with school district nursing staff, shall determine the best manner in which to make condoms available to students. At a minimum, condoms shall be placed in locations that are safe and readily accessible to students, including the school nurse's office.

Sec. 5. 18 V.S.A. § 12 is added to read:

§ 12. PROVISION OF INFORMATION REGARDING CONTRACEPTIVES

In order to prevent or reduce unintended pregnancies and sexually transmitted diseases, the Department of Health, in partnership with health care providers and health insurers, shall communicate to adolescents and other individuals of reproductive age information regarding contraceptive access and coverage.

* * * Exception to Mandatory Reporting for School Employees
Providing Condoms * * *

Sec. 6. 33 V.S.A. § 4913 is amended to read:

§ 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL ACTION

(a) A mandated reporter is any:

* * *

(2) individual who is employed by a school district or an approved or recognized independent school, or who is contracted and paid by a school district or an approved or recognized independent school to provide student services, including any:

(A) school superintendent;

(B) headmaster of an approved or recognized independent school as defined in 16 V.S.A. § 11;

(C) school teacher;

(D) student teacher;

(E) school librarian;

- (F) school principal; and
- (G) school guidance counselor;

* * *

(l) A mandated reporter as described in subdivision (a)(2) of this section shall not be deemed to have violated the requirements of this section solely on the basis of making condoms available to a secondary school student in accordance with 16 V.S.A. § 132.

Sec. 7. [Deleted.]

Sec. 8. [Deleted.]

Sec. 9. [Deleted.]

Sec. 10. COMPREHENSIVE HEALTH EDUCATION; REPORT

On or before April 15, 2021, the Agency of Education and Department of Health shall report to the House Committees on Human Services and on Education and the Senate Committees on Health and Welfare and on Education regarding their continued efforts to support schools and school districts in providing comprehensive health education to Vermont students, as required by 16 V.S.A. § 906(b)(3) and as defined in 16 V.S.A. § 131, including sexual health and safety.

* * * Effective Dates * * *

Sec. 11. EFFECTIVE DATES

(a) Secs. 2 (8 V.S.A. § 4099c), 4 (16 V.S.A. § 132), and 6 (33 V.S.A. § 4913) shall take effect on July 1, 2021.

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

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

Adjournment

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

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

Message from the House No. 83

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. 99. An act relating to trade in covered animal parts or products.

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

Bill Referred

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

H. 99.

An act relating to trade in covered animal parts or products.

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

Report of Committee of Conference Accepted and Adopted on the Part of the Senate**S. 54.**

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

To the Senate and House of Representatives:

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

An act relating to the regulation of cannabis.

Respectfully reports that it has met and considered the same and recommends that the House recede from its proposal of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Title Redesignation * * *

Sec. 1. Title 7 of the V.S.A. is redesignated to read:

7. ALCOHOLIC BEVERAGES, CANNABIS, AND TOBACCO

* * * Cannabis Generally; Cannabis Control Board * * *

Sec. 2. 7 V.S.A. chapter 31 is added to read:

CHAPTER 31. CANNABISSubchapter 1. General Provisions§ 831. DEFINITIONS

As used in this chapter:

(1) “Board” means the Cannabis Control Board.

(2)(A) “Cannabis” means all parts of the plant Cannabis sativa L., except as provided by subdivision (B) of this subdivision (2), whether growing or harvested, and includes:

(i) the seeds of the plant;

(ii) the resin extracted from any part of the plant; and

(iii) any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

(B) “Cannabis” does not include:

(i) the mature stalks of the plant and fiber produced from the stalks;

(ii) oil or cake made from the seeds of the plant;

(iii) any compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;

(iv) the sterilized seed of the plant that is incapable of germination; or

(v) hemp or hemp products, as defined in 6 V.S.A. § 562.

(3) “Cannabis product” means concentrated cannabis and a product that is composed of cannabis and other ingredients and is intended for use or consumption, including an edible product, ointment, and tincture. Cannabis product shall include a vaporizer cartridge containing cannabis oil that is intended for use with a battery-powered device.

(4) “Chair” means the chair of the Cannabis Control Board.

(5) “Criminal history record” shall have the same meaning as in 20 V.S.A. § 2056a(a).

(6) “Public place” means any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation as defined in 9 V.S.A. § 4501, and any place where the use or possession of a lighted tobacco product, tobacco product, or tobacco substitute is prohibited by law pursuant to 18 V.S.A. chapter 37.

§ 832. CANNABIS POSSESSED UNLAWFULLY SUBJECT TO SEIZURE AND FORFEITURE

Cannabis possessed unlawfully in violation of this title may be seized by law enforcement and is subject to forfeiture.

§ 833. CONSUMPTION OF CANNABIS IN A PUBLIC PLACE

No person shall consume cannabis in a public place unless specifically authorized by law. Violations shall be punished in accordance with 18 V.S.A. § 4230a.

Subchapter 2. Cannabis Control Board

§ 841. CANNABIS CONTROL BOARD; APPOINTMENT

(a) When a vacancy occurs on the Cannabis Control Board, the Governor shall make a public announcement about the vacancy. The Governor shall submit at least five names of potential candidates per vacancy to the Cannabis Control Board Nominating Committee for review.

(b) The Committee shall review the candidates to determine which candidates are well-qualified for appointment to the Board and shall recommend those candidates to the Governor. The names of candidates shall be confidential.

(c) The Governor shall appoint, with the advice and consent of the Senate, a chair and two members of the Board from the list of well-qualified candidates sent to the Governor by the Committee.

§ 842. CANNABIS CONTROL BOARD NOMINATING COMMITTEE

(a) Creation. The Cannabis Control Board Nominating Committee is created for the purpose of assessing the qualifications of applicants for appointment to the Cannabis Control Board in accordance with section 841 of this title.

(b) Members. The Committee shall consist of seven members who shall be selected as follows:

(1) The Governor shall appoint three members from the Executive Branch.

(2) The Speaker of the House of Representatives shall appoint two members from the House of Representatives.

(3) The Senate Committee on Committees shall appoint two members from the Senate.

(c) Duties. When the Governor submits the names of candidates for appointment to the Cannabis Control Board in accordance with section 841 of

this title, the Committee shall review candidates to determine which candidates are well-qualified for the Board and submit those names to the Governor.

(d) Terms. The members of the Committee shall serve for terms of two years. Members shall serve until their successors are appointed. Members shall serve not more than three consecutive terms in any capacity. A legislative member who is appointed as a member of the Committee shall retain the position for the term for which he or she was appointed to the Committee even if the member is subsequently not reelected to the General Assembly during the member's term on the Committee.

(e) Chair. The members shall elect their own chair.

(f) Quorum. A quorum of the Committee shall consist of four members.

(g) Staff and services. The Committee is authorized to use the staff and services of appropriate State agencies and departments as necessary to conduct investigations of applicants.

(h) Confidentiality. Except as provided in subsection (i) of this section, proceedings of the Committee, including the names of candidates considered by the Committee and information about any candidate submitted by the Governor, shall be confidential. The provisions of 1 V.S.A. 317(e) (expiration of Public Records Act exemptions) shall not apply to the exemptions or confidentiality provisions in this subsection.

(i) Public information. The following shall be public:

(1) operating procedures of the Committee;

(2) standard application forms and any other forms used by the Committee, provided they do not contain personal information about a candidate or confidential proceedings;

(3) all proceedings of the Committee prior to the Board's receipt of the first candidate's completed application; and

(4) at the time the Committee sends the names of the candidates to the Governor, the total number of applicants for the vacancies and the total number of candidates sent to the Governor.

(j) Reimbursement. Legislative members of the Committee shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 406. Compensation and reimbursement shall be paid from the legislative appropriation.

§ 843. CANNABIS CONTROL BOARD; DUTIES; MEMBERS

(a) Creation. There is created within the Executive Branch an independent

commission named the Cannabis Control Board for the purpose of safely, equitably, and effectively implementing and administering the laws enabling access to adult-use cannabis in Vermont.

(b) Duties. The duties of the Board shall be:

(1) rulemaking in accordance with this chapter, chapters 33–37 of this title, and 3 V.S.A. chapter 25;

(2) administration of a program for licensed cannabis establishments, which shall include compliance and enforcement;

(3) administration of the Medical Cannabis Registry on and after March 1, 2022;

(4) administration of a program for licensed medical cannabis dispensaries, which shall include compliance and enforcement, on and after March 1, 2022; and

(5) submission of an annual budget to the Governor.

(c) Membership.

(1) The Board shall be composed of a chair and two members appointed by the Governor in accordance with sections 841 and 842 of this title.

(2) All Board members shall serve for a term of three years or until a successor is appointed and shall be eligible for reappointment, provided that no member may serve more than three terms.

(3) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of subdivision (2) of this subsection.

(4) A member may be removed only for cause by the remaining members of the Commission in accordance with the Vermont Administrative Procedure Act.

(d) Conflicts of interest.

(1) No Board member shall, during his or her term or terms on the Board, be an officer of, director of, organizer of, employee of, consultant to, or attorney for any person subject to regulation by the Board.

(2) No Board member shall participate in creating or applying any law, rule, or policy or in making any other determination if the Board member, individually or as a fiduciary, or the Board member's spouse, parent, or child wherever residing or any other member of the Board member's family residing

in his or her household has an economic interest in the matter before the Board or has any more than a de minimus interest that could be substantially affected by the proceeding.

(3) No Board member shall, during his or her term or terms on the Board, solicit, engage in negotiations for, or otherwise discuss future employment or a future business relationship of any kind with any person subject to supervision or regulation by the Board.

(4) No Board member may appear before the Board or any other State agency on behalf of a person subject to supervision or regulation by the Board for a period of one year following his or her last day as a member of the Cannabis Control Board.

(e) Salaries. The Chair and all members of the Board shall be full-time State employees and shall be exempt from the State classified system. The Chair shall receive compensation equal to two-thirds that of a Superior Court Judge and other members shall receive compensation equal to one-half that of a Superior Court Judge.

(f) Executive Director. The Board shall appoint an Executive Director who shall be an attorney with experience in legislative or regulatory matters. The Director shall be a full-time State employee, shall be exempt from the State classified system, and shall serve at the pleasure of the Board. The Director shall be responsible for:

(1) supervising and administering the operation and implementation of this chapter and chapters 35 and 37 of this title and the rules adopted by the Board as directed by the Board;

(2) assisting the Board in its duties and administering the licensing requirements of this chapter and chapters 35 and 37 of this title;

(3) acting as Secretary to the Board, but as a nonvoting member of the Board;

(4) employing such staff as may be required to carry out the functions of the Board; and

(5) preparing an annual budget for submission to the Board.

(g) Consultant. The Board is authorized to hire a consultant as needed to assist with its duties under this section.

(h) Advisory committee.

(1) There is an advisory committee established within the Board that shall be composed of members with expertise and knowledge relevant to the Board's mission. The advisory committee shall be composed of the following 12 members:

(A) one member with an expertise in public health appointed by the Governor;

(B) the Secretary of Agriculture, Food and Markets or designee;

(C) one member with an expertise in laboratory science or toxicology appointed by the Governor;

(D) one member with an expertise in systemic social justice and equity issues appointed by the Speaker of the House;

(E) one member with an expertise in women and minority-owned business ownership appointed by the Speaker of the House;

(F) one member with an expertise in substance misuse prevention appointed by the Senate Committee on Committees;

(G) one member with an expertise in the cannabis industry appointed by the Senate Committee on Committees;

(H) one member with an expertise in business management or regulatory compliance appointed by the Treasurer;

(I) one member with an expertise in municipal issues appointed by the Treasurer;

(J) one member with an expertise in public safety appointed by the Attorney General;

(K) one member with an expertise in criminal justice reform appointed by the Attorney General; and

(L) the Secretary of Natural Resources or designee.

(2) Initial appointments to the advisory committee as provided in subdivision (1) of this subsection (h) shall be made on or before May 1, 2021.

(3) The Board may establish subcommittees within the advisory committee to accomplish its work.

(4) Members of the Advisory Committee who are not otherwise compensated by the member's employer for attendance at meetings shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings annually. These payments shall be made from the Cannabis Regulation Fund.

§ 844. AUTHORITY FOR CRIMINAL BACKGROUND CHECKS

The Board shall establish a user agreement with the Vermont Crime Information Center in accordance with 20 V.S.A. chapter 117 for the purpose of obtaining Vermont criminal history records, out-of-state criminal history

records, and criminal history records from the Federal Bureau of Investigation as required by chapters 33 (cannabis establishments) and 37 (medical cannabis dispensaries) of this title.

§ 845. CANNABIS REGULATION FUND

(a) There is established the Cannabis Regulation Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. The Fund shall be maintained by the Cannabis Control Board.

(b) The Fund shall be composed of:

(1) all State application fees, annual license fees, renewal fees, and civil penalties collected by the Board pursuant to chapters 33 (cannabis establishments) and 37 (medical cannabis dispensaries) of this title; and

(2) all annual and renewal fees collected by the Board pursuant to chapter 35 (medical cannabis registry) of this title.

(c) Monies from the fund shall only be appropriated for the purposes of implementation, administration, and enforcement of this chapter and chapter 33 of this title.

§ 846. FEES

(a) The Board shall have the authority to charge and collect State and local license fees as provided under this chapter and chapter 33 of this title. State and local license fees shall be due and payable at the time of application or renewal.

(b) The Board shall deposit State fees into the Cannabis Regulation Fund.

(c) After reduction for costs of administration and collection, the Board shall pay local license fees on a quarterly basis to the municipality in which the fees were collected.

§ 847. APPEALS

(a)(1) A party aggrieved by a final decision of the Board may, within 30 days of the decision, appeal that decision by filing a notice of appeal with the Executive Director who shall assign the case to an appellate officer.

(2)(A) The review shall be conducted on the basis of the record created before the Board.

(B) In cases of alleged irregularities in procedure before the Board not shown in the record, proof on that issue may be taken by the appellate officer.

(b) The appellate officer shall not substitute his or her judgment for that of the Board as to the weight of the evidence on questions of fact. The appellate

officer may affirm the decision or may reverse and remand the matter with recommendations if substantial rights of the appellant have been prejudiced because the Board's finding, inferences, conclusions, or decisions are:

- (1) in violation of constitutional or statutory provisions;
- (2) in excess of the statutory authority of the Board;
- (3) made upon unlawful procedure;
- (4) affected by other error of law;
- (5) clearly erroneous in view of the evidence on the record as a whole;
- (6) arbitrary or capricious; or
- (7) characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(c) A party aggrieved by a decision of the appellate officer may appeal to the Supreme Court, which shall review the matter on the basis of the records created before the Board.

(d) The Board shall have the authority to contract for the services of an appellate officer.

Sec. 3. IMPLEMENTATION OF THE CANNABIS CONTROL BOARD

(a) The Cannabis Control Board, created in Sec. 2 of this act, is established.

(b) Appointments to the Cannabis Control Board Nominating Committee shall be made on or before November 1, 2020.

(c) The Governor shall send the names of candidates to the Committee on or before November 4, 2020.

(d) The Committee shall send the names of well-qualified candidates to the Governor on or before December 18, 2020.

(e) The Governor shall appoint members to the Board on or before January 8, 2021.

(f) The Senate shall take up the issue of confirmation of the Governor's appointments to the Board on or before January 15, 2021

(g) Board members shall begin their terms on January 19, 2021.

(h)(1) In order to stagger the terms of the members of the Board, the initial terms of those members shall be as follows:

- (A) the Chair shall serve for a three-year term;

(B) one member shall serve for a two-year term; and

(C) one member shall serve for a one-year term.

(2) After the expiration of the initial terms set forth in subdivision (1) of this subsection, Board member terms shall be as set forth in 7 V.S.A. § 843.

Sec. 4. IMPLEMENTATION OF RULEMAKING BY THE CANNABIS CONTROL BOARD

On or before June 1, 2021, the Cannabis Control Board shall initiate rulemaking for cannabis establishments pursuant to 7 V.S.A. § 881, the Medical Cannabis Registry pursuant to 7 V.S.A. § 952, and medical cannabis dispensaries pursuant to 7 V.S.A. § 974.

Sec. 5. CANNABIS CONTROL BOARD REPORT TO THE GENERAL ASSEMBLY; PROPOSAL FOR POSITIONS, FEES, AND APPROPRIATIONS FOR FISCAL YEARS 2022 AND 2023; LAND USE, ENVIRONMENTAL, ENERGY, AND EFFICIENCY REQUIREMENTS OR STANDARDS; ADVERTISING; OUTREACH, TRAINING, AND EMPLOYMENT PROGRAMS; ONLINE ORDERING AND DELIVERY; ADDITIONAL TYPES OF LICENSES

(a) On or before April 1, 2021, the Executive Director of the Cannabis Control Board shall provide recommendations to the General Assembly on the following:

(1) Resources necessary for implementation of this act for fiscal years 2022 and 2023, including positions and funding. The Board shall consider utilization of current expertise and resources within State government and cooperation with other State departments and agencies where there may be an overlap in duties.

(2) State fees to be charged and collected in accordance with the Board's authority pursuant to 7 V.S.A. § 846. The recommendations shall be accompanied by information justifying the recommended rate as required by 32 V.S.A. § 605(d). The State fees submitted in accordance with this subdivision shall be projected to be sufficient to fund the duties of the Cannabis Control Board as provided in 7 V.S.A. § 843. To the extent possible, the recommend fees shall include an amount to repay over a period, not greater than 10 years, to the General Fund any application of excise taxes to the Cannabis Regulation Fund made pursuant to Sec. 6c of this act.

(A) Application fees, initial annual license fees, and annual license renewal fees for each type of cannabis establishment license as provided in 7 V.S.A. § 846: cultivator, product manufacturer, wholesaler, retailer, testing

laboratory, and integrated. If the Board establishes tiers within a licensing category, it shall provide a fee recommendation for each tier.

(B) Fee for a cannabis establishment identification card as provided in 7 V.S.A. § 884.

(3) Whether monies expected to be generated by State fees identified in subdivision (2) of this subsection are sufficient to support the statutory duties of the Board and whether any portion of the tax established pursuant to 32 V.S.A. § 7902 should be allocated to the Cannabis Regulation Fund to ensure these duties are met.

(4) Local fees to be charged and collected in accordance with the Board's authority pursuant to 7 V.S.A. § 846. The recommendations shall be accompanied by information justifying the recommended rate as required by 32 V.S.A. § 605(d). The Board shall recommend local fees that are designed to help defray the costs incurred by municipalities in which cannabis establishments are located.

(b) On or before April 1, 2021, the Executive Director of the Cannabis Control Board, after consultation with the Secretary of Natural Resources, the Chair of the Natural Resources Board, and the Secretary of Agriculture, Food and Markets, shall recommend to the General Assembly exemptions, specific criteria, or additional requirements under applicable State or local environmental or land use law for cannabis establishments in the State. The recommendations shall address whether additional groundwater quality requirements are required for the cultivation of cannabis in order to protect the groundwater resources of the State from overuse. The Executive Director may provide the recommendations based on a tier, type, or category of cannabis cultivation or cannabis establishment.

(c) On or before April 1, 2021, the Executive Director of the Cannabis Control Board, after consultation with the Commissioner of Public Service and the Chair of the Public Utility Commission, shall recommend to the General Assembly energy or efficiency requirements or standards for the operation of cannabis establishments in the State. The recommendations shall include:

(1) recommended building energy standards for cannabis establishments if different from existing commercial building standards;

(2) recommended energy audits for cannabis establishments, including the recommended frequency of audits and who should perform the audits; and

(3) energy efficiency and conservation measures applicable to cannabis establishments.

(d) In making the recommendations required under subsections (b) and (c) of this section, the Executive Director of the Cannabis Control Board shall recommend the permits, licenses, or standards that a licensed cannabis cultivator or cannabis product manufacturer shall demonstrate, as a condition of licensure, or as a condition for licensure renewal if such standards are not established prior to initial licensure.

(e) On or before April 1, 2021, the Executive Director of the Cannabis Control Board shall submit to the General Assembly the Board's recommendation whether licensed cannabis product manufacturers and dispensaries should be considered food manufacturing establishments or food processors pursuant to 18 V.S.A. § 4301(7) for the purpose of licensing and regulation by the Department of Health.

(f) The Executive Director of the Cannabis Control Board, in consultation with the Office of the Attorney General and the Department of Health, shall develop a proposal for advertising for both the adult-use and medical cannabis programs established in this act. The proposal shall reflect the General Assembly's priorities of not promoting cannabis use, limiting exposure of cannabis advertising to persons under 21 years of age, and ensuring consumer protection and public safety. The proposal shall take into consideration constitutional protections for commercial speech that may exist regarding the cannabis market. The Board shall report its recommendations to the General Assembly on or before April 1, 2021.

(g) On or before January 15, 2022, the Executive Director of the Cannabis Control Board shall submit to the General Assembly:

(1) a summary of its work with the Department of Labor, Agency of Commerce and Community Development, the Department of Corrections, and the Director of Racial Equity to develop outreach, training, and employment programs focused on providing economic opportunities to individuals who historically have been disproportionately impacted by cannabis prohibition;

(2) a summary of the experience of other jurisdictions with regulated cannabis markets that allow licensed retail cannabis establishments to accept online ordering for in-store pick-up of items and to deliver to customers and the advantages and disadvantages of allowing such services in Vermont;

(3) recommendations as to whether the General Assembly should consider adding additional types of cannabis licenses, including a craft cooperative license, delivery license, or special event license;

(4) recommendations as to whether cannabis and cannabis products should have a minimum amount of cannabidiol to aid in the prevention of the cannabis-induced psychosis that occurs in some users of cannabis and cannabis products; and

(5) recommendations regarding the display and sale of cannabis-related paraphernalia that is sold by persons who are not licensed as a cannabis establishment or a dispensary.

Sec. 6. CANNABIS CONTROL BOARD; POSITIONS

The following new permanent positions are created in the Cannabis Control Board:

- (1) three full-time, exempt members of the Board;
- (2) one full-time, exempt Executive Director of the Board; and
- (3) one full-time, classified Administrative Assistant.

Sec. 6a. BUILDINGS AND GENERAL SERVICES; SPACE ALLOCATION

The Commissioner of Buildings and General Services shall allocate space for the Cannabis Control Board established in Sec. 2 of this act. This space shall be allocated on or before January 19, 2021.

Sec. 6b. APPROPRIATION

In fiscal year 2021, \$650,000.00 is appropriated from the Cannabis Regulation Fund to the Cannabis Control Board. This appropriation is made in anticipation of receipts in the Fund.

Sec. 6c. CONTINGENT CANNABIS REGULATION FUND DEFICIT
OFFSET; REPAYMENT

(a) To the extent that the Cannabis Regulation Fund has a negative balance at the close of the fiscal year 2022, proceeds in that amount from the tax established in 32 V.S.A. § 7901 in fiscal year 2023 shall be deposited into the Cannabis Regulation Fund.

(b) To the extent that a positive balance exists in the Cannabis Regulation Fund at the close of any fiscal year and any application of excise taxes to the Cannabis Regulation Fund made pursuant to subsection (a) of this section has not been fully repaid to the General Fund, the positive Cannabis Regulation Fund balance shall be transferred to the General Fund.

(c) Thirty percent of any transfers made to the General Fund pursuant to subsection (b) of this section or subdivision 5(a)(2) of Sec. 5 of this act shall be allocated to substance misuse prevention activities consistent with Sec. 19 of this act.

Sec. 6d. AUDITOR OF ACCOUNTS REPORT

On or before November 15, 2023, the Auditor of Accounts shall report to the General Assembly regarding the organizational structure and membership of the Cannabis Control Board and whether the structure continues to be the most efficient for carrying out the statutory duties of the Board.

Sec. 6e. REPEAL OF CANNABIS CONTROL BOARD

The following are repealed on July 1, 2024:

(1) 7 V.S.A. § 841 (Cannabis Control Board; appointment);

(2) 7 V.S.A. § 842 (Cannabis Control Board Nominating Committee);

and

(3) 7 V.S.A. § 843 (Cannabis Control Board; members; duties).

* * * Cannabis Establishments * * *

Sec. 7. 7 V.S.A. chapter 33 is added to read:

CHAPTER 33. CANNABIS ESTABLISHMENTS

Subchapter 1. General Provisions

§ 861. DEFINITIONS

As used in this chapter:

(1) “Affiliate” means a person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with another person.

(2) “Applicant” means a person that applies for a license to operate a cannabis establishment pursuant to this chapter.

(3) “Board” means the Cannabis Control Board.

(4) “Cannabis” shall have the same meaning as provided in section 831 of this title.

(5) “Cannabis cultivator” or “cultivator” means a person licensed by the Board to engage in the cultivation of cannabis in accordance with this chapter.

(6) “Cannabis establishment” means a cannabis cultivator, wholesaler, product manufacturer, retailer, or testing laboratory licensed by the Board to engage in commercial cannabis activity in accordance with this chapter.

(7) “Cannabis product” shall have the same meaning as provided in section 831 of this title.

(8) “Cannabis product manufacturer” or “product manufacturer” means a person licensed by the Board to manufacture cannabis products in accordance with this chapter.

(9) “Cannabis retailer” or “retailer” means a person licensed by the Board to sell cannabis and cannabis products to adults 21 years of age and older for off-site consumption in accordance with this chapter.

(10) “Cannabis testing laboratory” or “testing laboratory” means a person licensed by the Board to test cannabis and cannabis products in accordance with this chapter.

(11) “Cannabis wholesaler” or “wholesaler” means a person licensed by the Board to purchase, process, transport, and sell cannabis and cannabis products in accordance with this chapter.

(12) “Chair” means the Chair of the Cannabis Control Board.

(13) “Characterizing flavor” means a taste or aroma, other than the taste or aroma of cannabis, imparted either prior to or during consumption of a cannabis product. The term includes tastes or aromas relating to any fruit, chocolate, vanilla, honey, maple, candy, cocoa, dessert, alcoholic beverage, mint, menthol, wintergreen, herb or spice, or other food or drink or to any conceptual flavor that imparts a taste or aroma that is distinguishable from cannabis flavor but may not relate to any particular known flavor.

(14) “Child-resistant packaging” means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance in the container within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging that all children under five years of age cannot open or obtain a toxic or harmful amount of the substance in the container within a reasonable time.

(15) “Controls,” “is controlled by,” and “under common control” mean the power to direct, or cause the direction or management and policies of a person, whether through the direct or beneficial ownership of voting securities, by contract, or otherwise. A person who directly or beneficially owns 10 percent or more equity interest, or the equivalent thereof, of another person shall be deemed to control the person.

(16) “Dispensary” means a business organization licensed pursuant to chapter 37 of this title or 18 V.S.A. chapter 86.

(17) “Enclosed, locked facility” means a building, room, greenhouse, outdoor fenced-in area, or other location that is enclosed on all sides and prevents cannabis from easily being viewed by the public. The facility shall be equipped with locks or other security devices that permit access only by:

(A) Employees, agents, or owners of the cultivator, all of whom shall be 21 years of age or older.

(B) Government employees performing their official duties.

(C) Contractors performing labor that does not include cannabis cultivation, packaging, or processing. Contractors shall be accompanied by an

employee, agent, or owner of the cultivator when they are in areas where cannabis is being grown, processed, packaged, or stored.

(D) Registered employees of other cultivators, members of the media, elected officials, and other individuals 21 years of age or older visiting the facility, provided they are accompanied by an employee, agent, or owner of the cultivator.

(18) “Flavored oil cannabis product” means any oil cannabis product that contains an additive to give it a characterizing flavor.

(19) “Integrated licensee” means a person licensed by the Board to engage in the activities of a cultivator, wholesaler, product manufacturer, retailer, and testing laboratory in accordance with this chapter.

(20) “Municipality” means a town, city, or incorporated village.

(21) “Person” shall include any natural person; corporation; municipality; the State of Vermont or any department, agency, or subdivision of the State; and any partnership, unincorporated association, or other legal entity.

(22) “Plant canopy” means the square footage dedicated to live plant production and does not include areas such as office space or areas used for the storage of fertilizers, pesticides, or other products.

(23) “Principal” means an individual vested with the authority to conduct, manage, or supervise the business affairs of a person, and may include the president, vice president, secretary, treasurer, manager, or similar executive officer of a business; a director of a corporation, nonprofit corporation, or mutual benefit enterprise; a member of a nonprofit corporation, cooperative, or member-managed limited liability company; and a partner of a partnership.

(24) “Small cultivator” means a cultivator with a plant canopy or space for cultivating plants for breeding stock of not more than 1,000 square feet.

§ 862. NOT APPLICABLE TO HEMP OR THERAPEUTIC USE OF CANNABIS

This chapter applies to the regulation of cannabis establishments by the Board and shall not apply to activities regulated by 6 V.S.A. chapter 34 (hemp), 18 V.S.A. chapter 86 (therapeutic use of cannabis), or chapters 35 (Medical Cannabis Registry) and 37 (cannabis medical dispensaries) of this title.

§ 863. REGULATION BY LOCAL GOVERNMENT

(a)(1) Prior to a cannabis retailer or an integrated licensee operating within

a municipality, the municipality shall affirmatively permit the operation of such cannabis establishments by majority vote of those present and voting by Australian ballot at an annual or special meeting warned for that purpose. A municipality may place retailers or integrated licensees, or both, on the ballot for approval.

(2) A vote to permit the operation of a licensed cannabis retailer or integrated licensee within the municipality shall remain in effect until rescinded by majority vote of those present and voting by Australian ballot at a subsequent annual or special meeting warned for that purpose. A rescission of the permission to operate a licensed cannabis retailer or integrated licensee within the municipality under this subdivision shall not apply to a licensed cannabis retailer or integrated licensee that is operating within the municipality at the time of the vote.

(b) A municipality that hosts any cannabis establishment may establish a cannabis control commission composed of commissioners who may be members of the municipal legislative body. The local cannabis control commission may issue and administer local control licenses under this subsection for cannabis establishments within the municipality. The commissioners may condition the issuance of a local control license upon compliance with any bylaw adopted pursuant to 24 V.S.A. § 4414 or ordinances regulating signs or public nuisances adopted pursuant to 24 V.S.A. § 2291. The commission may suspend or revoke a local control license for a violation of any condition placed upon the license. The Board shall adopt rules relating to a municipality's issuance of a local control license in accordance with this subsection and the local commissioners shall administer the rules furnished to them by the Board as necessary to carry out the purposes of this section.

(c) Prior to issuing a license to a cannabis establishment under this chapter, the Board shall ensure that the applicant has obtained a local control license from the municipality, if required.

(d) A municipality shall not:

(1) prohibit the operation of a cannabis establishment within the municipality through an ordinance adopted pursuant to 24 V.S.A. § 2291 or a bylaw adopted pursuant to 24 V.S.A. § 4414;

(2) condition the operation of a cannabis establishment, or the issuance or renewal of a municipal permit to operate a cannabis establishment, on any basis other than the conditions in subsection (b) of this section; and

(3) exceed the authority granted to it by law to regulate a cannabis establishment.

§ 864. [Reserved]

§ 865. EDUCATION

(a) A licensee shall complete an enforcement seminar every three years conducted by the Board. A license shall not be renewed unless the records of the Board show that the licensee has complied with the terms of this subsection.

(b) A licensee shall ensure that each employee involved in the sale of cannabis or cannabis products to the public completes a training program approved by the Board prior to selling cannabis or cannabis products and at least once every 24 months thereafter. The training shall include information about the health effects of the use of cannabis and cannabis products. A licensee shall keep a written record of the type and date of training for each employee, which shall be signed by each employee. A licensee may comply with this requirement by conducting its own training program on its premises, using information and materials furnished by the Board. A licensee who fails to comply with the requirements of this section shall be subject to a suspension of not less than one day of the license issued under this chapter.

§ 866. YOUTH

(a) A cannabis establishment licensed pursuant to this chapter shall not dispense or sell cannabis to a person under 21 years of age or employ a person under 21 years of age. The Board may assess civil penalties against or suspend or revoke the license of a cannabis establishment that dispenses or sells cannabis or cannabis products to a person under 21 years of age.

(b) A cannabis establishment shall not permit a person under 21 years of age to enter a building or enclosure on the premises where cannabis is located. This subsection shall not apply to a registered patient visiting a dispensary even if that dispensary is located in a building that is located on the same premises of a cannabis establishment.

(c) The Board, in consultation with the Department of Health, shall adopt rules in accordance with section 881 of this title to:

(1) prohibit cannabis products or the packaging of such products that are designed to make the product more appealing to persons under 21 years of age;

(2) prohibit the packaging of cannabis and cannabis products that is designed to make the product more appealing to persons under 21 years of age;

(3) require that cannabis products sold by licensed retailers and integrated licensees are contained in child-resistant packaging; and

(4) require that cannabis and cannabis products sold by licensed retailers and integrated licensees are packaged with labels that clearly indicate that the contents of the package contain cannabis and should be kept away from persons under 21 years of age.

§ 867. STANDARD SYMBOL FOR CANNABIS

The Board shall create a standard symbol that shall be used on all cannabis and cannabis products sold by a licensed cannabis retailer to indicate that the contents of a package contain cannabis.

§ 868. PROHIBITED PRODUCTS

(a) The following are prohibited products and may not be cultivated, produced or sold pursuant to a license issued under this chapter:

(1) cannabis flower with greater than 30 percent tetrahydrocannabinol;

(2) solid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol;

(3) oil cannabis products except for those that are sold prepackaged for use with battery-powered devices;

(4) flavored oil cannabis products sold prepackaged for use with battery-powered devices and any cannabis flower that contains characterizing flavor that is not naturally occurring in the cannabis;

(5) cannabis products that contain delta-9 tetrahydrocannabinol and nicotine or alcoholic beverages; and

(6) any cannabis, cannabis products, or packaging of such items that are designed to make the product more appealing to persons under 21 years of age.

§ 869. CULTIVATION OF CANNABIS; ENVIRONMENTAL AND LAND USE STANDARDS

(a)(1) A cannabis establishment shall not be regulated as “farming” under the Required Agricultural Practices, 6 V.S.A. chapter 215, or other State law, and cannabis produced from cultivation shall not be considered an agricultural product or agricultural crop for the purposes of 32 V.S.A. chapter 124, 32 V.S.A. § 9741, or other relevant State law.

(2) Notwithstanding subdivision (1) of this subsection, the cultivation of cannabis on agricultural land and the use of farm buildings to dry or process that cannabis shall not disqualify the land or buildings from the use value appraisal program or constitute “development” under 32 V.S.A. § 3752(5), provided that:

(A) the agricultural land or farm building is enrolled in the use value appraisal program at the time cannabis cultivation commences;

(B) the agricultural land or farm building is not transferred to another owner;

(C) the cultivation, drying, or processing of cannabis is done by a licensed small cultivator on 1,000 square feet or less of agricultural land; and

(D) all other requirements under 32 V.S.A. chapter 124 continue to be met.

(b) The cultivation, processing, and manufacturing of cannabis regulated under this chapter shall comply with all applicable State, federal, and local environmental, energy, or public health law, unless otherwise provided under this chapter.

(c) A cannabis establishment regulated under this chapter shall be subject to regulation under 24 V.S.A. chapter 117 as authorized by this chapter.

(d)(1) The cultivation, processing, and manufacturing of cannabis regulated under this chapter shall comply with the following sections of the Required Agricultural Practices:

(A) section 6, regarding conditions, restriction, and operating standards;

(B) section 8, regarding groundwater quality and groundwater quality investigations; and

(C) section 12, regarding subsurface tile drainage.

(2) Application of or compliance with the Required Agricultural Practices under subdivision (1) of this subsection shall not be construed to provide a presumption of compliance with or exemption to any applicable State, federal, and local environmental, energy, public health, or land use law required under subsections (b) and (c) of this section.

(e) Persons cultivating cannabis or handling pesticides for the purposes of the manufacture of cannabis products shall comply with the worker protection standard of 40 C.F.R. part 170.

Subchapter 2. Administration

§ 881. RULEMAKING; CANNABIS ESTABLISHMENTS

(a) The Board shall adopt rules to implement and administer this chapter in accordance with subdivisions (1)–(7) of this subsection.

(1) Rules concerning any cannabis establishment shall include:

- (A) the form and content of license and renewal applications;
- (B) qualifications for licensure that are directly and demonstrably related to the operation of a cannabis establishment, including:
 - (i) a requirement to submit an operating plan, which shall include information concerning:
 - (I) the type of business organization, the identity of its controlling owners and principals, and the identity of the controlling owners and principals of its affiliates; and
 - (II) the sources, amount, and nature of its capital, assets, and financing; the identity of its financiers; and the identity of the controlling owners and principals of its financiers;
 - (ii) a requirement to file an amendment to its operating plan in the event of a significant change in organization, operation, or financing; and
 - (iii) the requirement for a fingerprint-based criminal history record check and regulatory record check pursuant to section 883 of this title;
- (C) oversight requirements, including provisions to ensure that a licensed establishment complies with State and federal regulatory requirements governing insurance, securities, workers' compensation, unemployment insurance, and occupational health and safety;
- (D) inspection requirements;
- (E) records to be kept by licensees and the required availability of the records;
- (F) employment and training requirements;
- (G) security requirements, including any appropriate lighting, physical security, video, and alarm requirements;
- (H) health and safety requirements;
- (I) regulation of additives to cannabis and cannabis products, including those that are toxic or designed to make the product more addictive, more appealing to persons under 21 years of age, or to mislead consumers;
- (J) procedures for seed-to-sale traceability of cannabis, including any requirements for tracking software;
- (K) regulation of the storage and transportation of cannabis;
- (L) sanitary requirements;
- (M) procedures for the renewal of a license, which shall allow renewal applications to be submitted up to 90 days prior to the expiration of

the cannabis establishment's license;

(N) procedures for suspension and revocation of a license;

(O) requirements for banking and financial transactions, including provisions to ensure that the Board, the Department of Financial Regulation, and financial institutions have access to relevant information concerning licensed establishments to comply with State and federal regulatory requirements;

(P) disclosure or eligibility requirements for a financier, its owners and principals, and its affiliates, which may include:

(i) requirements to disclose information to a licensed establishment, the Board, or the Department of Financial Regulation;

(ii) a minimum age requirement and a requirement to conduct a background check for natural persons;

(iii) requirements to ensure that a financier complies with applicable State and federal laws governing financial institutions, licensed lenders, and other financial service providers; and

(iv) any other requirements, conditions, or limitations on the type or amount of loans or capital investments made by a financier or its affiliates, which the Board, in consultation with the Department of Financial Regulation, determines is necessary to protect the public health, safety, and general welfare; and

(Q) policies and procedures for conducting outreach and promoting participation in the regulated cannabis market by diverse groups of individuals, including those who have been disproportionately harmed by cannabis prohibition.

(2)(A) Rules concerning cultivators shall include:

(i) creation of a tiered system of licensing based on the plant canopy size of the cultivation operation or plant count for breeding stock;

(ii) pesticides or classes of pesticides that may be used by cultivators, provided that any rules adopted under this subdivision shall comply with and shall be at least as stringent as the Agency of Agriculture, Food and Markets' Vermont Pesticide Control Regulations;

(iii) standards for indoor cultivation of cannabis;

(iv) procedures and standards for testing cannabis for contaminants, potency, and quality assurance and control;

(v) labeling requirements for cannabis sold to retailers and integrated licensees, including health warnings developed in consultation with the Department of Health;

(vi) regulation of visits to the establishments, including the number of visitors allowed at any one time and record keeping concerning visitors; and

(vii) facility inspection requirements and procedures.

(B) The Board shall consider the different needs and risks of small cultivators when adopting rules and shall make an exception or accommodation to such rules for cultivators of this size where appropriate.

(3) Rules concerning product manufacturers shall include:

(A) requirements that a single package of a cannabis product shall not contain more than 50 milligrams of THC, except in the case of:

(i) cannabis products that are not consumable, including topical preparations; and

(ii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;

(B) requirements that cannabis products are labeled in a manner that states the number of servings of tetrahydrocannabinol in the product, measured in servings of a maximum of five milligrams per serving, except:

(i) cannabis products that are not consumable, including topical preparations; and

(ii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;

(C) requirements that cannabis products are labeled with the date the product was manufactured, the date the product is best used by, the ingredients contained in the product, information on the length of time it typically takes for products to take effect, and appropriate warnings developed by the Board in consultation with the Department of Health;

(D) requirements that a cannabis product is clearly identifiable with a standard symbol adopted by the Board indicating that it contains cannabis;

(E) procedures and standards for testing cannabis products for contaminants, potency, and quality assurance and control; and

(F) requirements for opaque, child-resistant packaging.

(4) Rules concerning wholesalers shall include any provisions the Board has not addressed in subdivision (a)(1) of this section that are appropriate for

safe regulation of wholesalers in accordance with this chapter.

(5) Rules concerning retailers shall include:

(A) requirements for proper verification of age of customers;

(B) restrictions that cannabis shall be stored behind a counter or other barrier to ensure a customer does not have direct access to the cannabis;

(C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such and displayed separately from cannabis and cannabis products;

(D) requirements for opaque, child-resistant packaging of cannabis and cannabis products at point of sale to customer; and

(E) facility inspection requirements and procedures.

(6) Rules concerning testing laboratories shall include:

(A) procedures and standards for testing cannabis and cannabis products for contaminants, potency, and quality assurance and control;

(B) reporting requirements, including requirements for chain-of-custody record keeping; and

(C) procedures for destruction of all cannabis and cannabis products samples.

(7) Rules concerning integrated licensees shall include the provisions provided in subdivisions (1)–(6) of this subsection and any additional provisions the Board deems appropriate for safe regulation of integrated licensees in accordance with this chapter.

(b) The Board shall consult with other State agencies and departments as necessary in the development and adoption of rules where there is shared expertise and duties.

§ 882. SUSPENSION AND REVOCATION OF LICENSES; CIVIL PENALTIES

(a) The Board shall have the authority to suspend or revoke a cannabis establishment license for violations of this chapter in accordance with rules adopted pursuant to this chapter.

(b) The Board shall have authority to issue civil citations for violations of this chapter in accordance with rules adopted pursuant to this chapter. Any proposed rule under this section shall include the full, minimum, and waiver penalty amounts for each violation.

§ 883. CRIMINAL BACKGROUND RECORD CHECKS; APPLICANTS

(a) The Board shall obtain from the Vermont Crime Information Center a copy of a license applicant's fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

(b) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a cannabis establishment license because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

§ 884. CANNABIS ESTABLISHMENT IDENTIFICATION CARD

(a) Every owner, principal, and employee of a cannabis establishment shall obtain an identification card issued by the Board.

(b)(1) Prior to issuing the identification card, the Board shall obtain from the Vermont Crime Information Center a copy of the person's Vermont fingerprint-based criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

(2) The Board shall adopt rules that set forth standards for determining whether a person should be denied a cannabis establishment identification card because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

(c) Once an identification card application has been submitted, a person may serve as an employee of a cannabis establishment pending the background check, provided the person is supervised in his or her duties by someone who is a cardholder. The Board shall issue a temporary permit to the person for this purpose, which shall expire upon the issuance of the identification card or disqualification of the person in accordance with this section.

(d) An identification card shall expire one year after its issuance or upon the expiration of the cannabis establishment's license, whichever occurs first.

Subchapter 3. Licenses§ 901. GENERAL PROVISIONS

(a) Except as otherwise permitted by law, a person shall not engage in the cultivation, preparation, processing, packaging, transportation, testing, or sale of cannabis or cannabis products without obtaining a license from the Board.

(b) All licenses shall be valid for one year and expire at midnight on the eve of the anniversary of the date the license was issued. A licensee may apply to renew the license annually.

(c) Applications for licenses and renewals shall be submitted on forms provided by the Board and shall be accompanied by the fees provided for in section 909 of this title.

(d)(1) There shall be six types of licenses available:

- (A) a cultivator license;
- (B) a wholesaler license;
- (C) a product manufacturer license;
- (D) a retailer license;
- (E) a testing laboratory license; and
- (F) an integrated license.

(2)(A) The Board shall develop tiers for:

(i) cultivator licenses based on the plant canopy size of the cultivation operation or plant count for breeding stock; and

(ii) retailer licenses.

(B) The Board may develop tiers for other types of licenses.

(3)(A) Except as provided in subdivision (B) of this subdivision (3), an applicant and its affiliates may obtain a maximum of one type of each type of license as provided in subdivisions (1)(A)–(E) of this subsection (d). Each license shall permit only one location of the establishment.

(B) An applicant and its affiliates that are a dispensary registered pursuant to 18 V.S.A. chapter 86 may obtain one integrated license provided in subdivision (1)(F) of this subsection (d) or a maximum of one of each type of license provided in subdivisions (1)(A)–(E) of this subsection (d). An integrated licensee may not hold a separate cultivator, wholesaler, product manufacturer, retailer, or testing laboratory license. An integrated license shall permit only one location for each of the types of activities permitted by the license: cultivation, wholesale operations, product manufacturing, retail sales, and testing.

(e) A dispensary that obtains a retailer license or an integrated license pursuant to this chapter shall maintain the dispensary and retail operations in a manner that protects patient and caregiver privacy in accordance with rules adopted by the Board.

(f) Each licensee shall obtain and maintain commercial general liability insurance in accordance with rules adopted by the Board. Failure to provide proof of insurance to the Board, as required, may result in revocation of the license.

(g) All licenses may be renewed according to procedures adopted through rulemaking by the Board.

(h)(1) The following records shall be exempt from public inspection and copying under the Public Records Act and shall be confidential:

(A) any record in an application for a license relating to security, public safety, transportation, or trade secrets, including information provided in an operating plan pursuant to subdivision 881(a)(1)(B) of this title; and

(B) any licensee record relating to security, public safety, transportation, trade secrets, or employees.

(2) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption created in this subsection shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e).

§ 902. LICENSE QUALIFICATIONS AND APPLICATION PROCESS

(a) An applicant, principal of an applicant, and person who owns or controls an applicant, who is a natural person:

(1) shall be 21 years of age or older; and

(2) shall consent to the release of his or her criminal and administrative history records.

(b) As part of the application process, each applicant shall submit, in a format prescribed by the Board, an operating plan. The Board shall adopt rules regarding the required components of an application for each type of license.

(c) The Board shall obtain a fingerprint-based Vermont criminal history record, an out-of-state criminal history record, a criminal history record from the Federal Bureau of Investigation, and any regulatory records relating to the operation of a business in this State or any other jurisdiction for each of the following who is a natural person:

(1) the applicant;

(2) each proposed principal; and

(3) each individual who would control the business.

(d) An applicant who is denied a license may appeal the Board's determination in accordance with section 847 of this title.

§ 903. PRIORITIES; BUSINESS AND TECHNICAL ASSISTANCE

(a) The Board shall issue licenses pursuant to this chapter as determined according to a system of priorities adopted by rule by the Board. The system of priorities shall require consideration of criteria, including:

(1) whether the applicants have an existing medical cannabis dispensary license in good standing;

(2) whether the applicants would foster social justice and equity in the cannabis industry by being a minority or women-owned business;

(3) whether the applicants propose specific plans to recruit, hire, and implement a development ladder for minorities, women, or individuals who have historically been disproportionately impacted by cannabis prohibition;

(4) whether applicants propose specific plans to pay employees a living wage and offer benefits;

(5) whether the project incorporates principles of environmental resiliency or sustainability, including energy efficiency; and

(6) the geographic distribution of cannabis establishments based on population and market needs.

(b) The Agency of Commerce and Community Development, in collaboration with the Agency of Agriculture, Food and Markets, shall provide business and technical assistance to Vermont applicants with priority for services based on criteria adopted by the Board in accordance with subsection (a) of this section.

(c) No later than September 1, 2021, the Board shall begin working with the Department of Labor, Agency of Commerce and Community Development, the Department of Corrections, and the Director of Racial Equity to develop outreach, training, and employment programs focused on providing economic opportunities to individuals who historically have been disproportionately impacted by cannabis prohibition.

§ 904. CULTIVATOR LICENSE

(a) A cultivator licensed under this chapter may cultivate, process, package, label, transport, test, and sell cannabis to a licensed wholesaler, product manufacturer, retailer, integrated licensee, and dispensary.

(b) Cultivation of cannabis shall occur only in an enclosed, locked facility.

(c) Representative samples of each lot or batch of cannabis intended for human consumption shall be tested for safety and potency in accordance with rules adopted by the Board.

(d) Each cultivator shall create packaging for its cannabis.

(1) Packaging shall include:

(A) The name and registration number of the cultivator.

(B) The strain and variety of cannabis contained.

(C) The potency of the cannabis represented by the amount of tetrahydrocannabinol and cannabidiol in milligrams total and per serving.

(D) A “produced on” date reflecting the date that the cultivator finished producing the cannabis.

(E) Appropriate warnings as prescribed by the Board in rule.

(F) Any additional requirements contained in rules adopted by the Board in accordance with this chapter. Rules shall take into consideration that different labeling requirements may be appropriate depending on whether the cannabis is sold to a wholesaler, product manufacturer, or retailer.

(2) Packaging shall not be designed to appeal to persons under 21 years of age.

(e)(1) Only unadulterated cannabis shall be offered for sale. If, upon inspection, the Board finds any violative pesticide residue or other contaminants of concern, the Board shall order the cannabis, either individually or in blocks, to be:

(A) put on stop-sale;

(B) treated in a particular manner; or

(C) destroyed according to the Board’s instructions.

(2) Cannabis ordered destroyed or placed on stop-sale shall be clearly separable from salable cannabis. Any order shall be confirmed in writing within seven days. The order shall include the reason for action, a description of the cannabis affected, and any recommended treatment.

(3) A person may appeal an order issued pursuant to this section within 15 days after receiving the order. The appeal shall be made in writing and in accordance with section 847 of this title and shall clearly identify the cannabis affected and the basis for the appeal.

§ 904a. SMALL CULTIVATORS

(a) It is the intent of the General Assembly to move as much of the illegal cannabis market as possible into the regulated market for the purposes of consumer protection and public safety. It is also the intent of the General Assembly to encourage participation in the regulated cannabis market by

small, local farmers. In furtherance of these goals, the Board shall consider policies to promote small cultivators as defined in section 861 of this title.

(b) The application for small cultivator licenses shall be prioritized over larger cultivation licenses during the initial application period.

(c) In accordance with subdivision 881(a)(2)(B) of this chapter, the Board shall consider the different needs and risks of small cultivators when adopting rules and shall make an exception or accommodation to such rules for cultivators of this size where appropriate, provided that the rules shall not provide for an exception or accommodation to the requirements of section 869 of this title.

(d) Upon licensing, a small cultivator may sell cannabis to a licensed dispensary at any time for sale to patients and caregivers pursuant to the dispensary license or to the public pursuant to an integrated license, including the time period before retail sales are permitted for licensed cannabis retailers.

§ 905. WHOLESALER LICENSE

A wholesaler licensed under this chapter may:

(1) purchase cannabis from a licensed cultivator and integrated licensee, and cannabis products from a licensed product manufacturer, integrated licensee, and dispensary; and

(2) transport, process, package, and sell cannabis and cannabis products to a licensed product manufacturer, retailer, integrated licensee, and dispensary.

§ 906. PRODUCT MANUFACTURER LICENSE

A product manufacturer licensed under this chapter may:

(1) purchase cannabis from a licensed cultivator, wholesalers, or integrated licensee, and cannabis products from a licensed wholesaler, product manufacturer, integrated licensee, and dispensary;

(2) use cannabis and cannabis products to produce cannabis products; and

(3) transport, process, package, and sell cannabis products to a licensed wholesaler, product manufacturer, retailer, integrated licensee, and dispensary.

§ 907. RETAILER LICENSE

(a) A retailer licensed under this chapter may:

(1) purchase cannabis from a licensed cultivator, wholesaler, or integrated licensee, and cannabis products from a licensed wholesaler, product manufacturer, integrated licensee, and dispensary; and

(2) transport, possess, and sell cannabis and cannabis products to the public for consumption off the registered premises.

(b) In a single transaction, a retailer may provide one ounce of cannabis or the equivalent in cannabis products, or a combination thereof, to a person 21 years of age or older upon verification of a valid government-issued photograph identification card.

(c)(1) Packaging shall include:

(A) the strain and variety of cannabis contained;

(B) the potency of the cannabis represented by the amount of tetrahydrocannabinol and cannabidiol in milligrams total and per serving;

(C) a “produced on” date reflecting the date that the cultivator finished producing the cannabis;

(D) appropriate warnings as prescribed by the Board in rule; and

(E) any additional requirements contained in rules adopted by the Board in accordance with this chapter.

(2) Packaging shall not be designed to appeal to persons under 21 years of age.

(d) A retailer shall display a safety information flyer at the point of purchase and offer a customer a copy of the flyer with each purchase. A retailer shall inform the customer that if the customer elects not to receive the flyer, the information contained in the flyer is available on the website for the Board. The flyer shall be developed by the Board in consultation with the Department of Health, posted on the Board’s website, and supplied to the retailer free of charge. At a minimum, the flyer or flyers shall contain information concerning the methods for administering cannabis, the amount of time it may take for cannabis products to take effect, the risks of driving under the influence of cannabis, the potential health risks of cannabis use, the symptoms of problematic usage, how to receive help for cannabis abuse, and a warning that cannabis possession is illegal under federal law.

(e) Internet ordering and delivery of cannabis to customers are prohibited.

§ 908. TESTING LABORATORY LICENSE

(a) A testing laboratory licensed under this chapter may acquire, possess, analyze, test, and transport cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public.

(b) Testing may address the following:

(1) residual solvents;

- (2) poisons or toxins;
- (3) harmful chemicals;
- (4) dangerous molds, mildew, or filth;
- (5) harmful microbials, such as E. coli or salmonella;
- (6) pesticides; and
- (7) tetrahydrocannabinol and cannabidiol potency.

(c) A testing laboratory shall have a written procedural manual made available to employees to follow meeting the minimum standards set forth in rules detailing the performance of all methods employed by the facility used to test the analytes it reports.

(d) In accordance with rules adopted pursuant to this chapter, a testing laboratory shall establish a protocol for recording the chain of custody of all cannabis samples.

(e) A testing laboratory shall establish, monitor, and document the ongoing review of a quality assurance program that is sufficient to identify problems in the laboratory systems when they occur.

(f) A cannabis establishment that is subject to testing requirements under this chapter or rules adopted pursuant to this chapter shall have its cannabis or cannabis products tested by an independent licensed testing laboratory and not a licensed testing laboratory owned or controlled by the license holder of the cannabis establishment.

§ 909. INTEGRATED LICENSE

(a) An integrated license shall allow the licensee to engage in the activities of a cultivator, wholesaler, product manufacturer, retailer, and testing laboratory as provided in sections 904–908 of this title.

(b) An integrated license is only available to an applicant and its affiliates that hold a dispensary registration on April 1, 2022. There shall be no more than five total integrated licenses, one for each registered dispensary. Upon compliance with all application procedures and requirements, the Board shall issue an integrated license to the applicant. The licensee shall have the right to renew the license in accordance with rules adopted by the Board.

Sec. 8. IMPLEMENTATION OF LICENSING CANNABIS ESTABLISHMENTS

(a)(1) The cannabis plant, cannabis product, and useable cannabis possession limits for a registered dispensary set forth in 18 V.S.A. chapter 86 shall no longer apply on and after February 1, 2022. A dispensary shall be

permitted to cultivate cannabis and manufacture cannabis products for the purpose of transferring or selling such products to an integrated licensee on or after April 1, 2022 and engaging in the activities permitted by 7 V.S.A. chapter 33.

(2) On or before April 1, 2022, the Board shall begin accepting applications for integrated licenses.

(3) On or before May 1, 2022, the Board shall begin issuing integrated licenses to qualified applicants. An integrated licensee may begin selling cannabis and cannabis products transferred or purchased from a dispensary immediately.

(b)(1) On or before April 1, 2022, the Board shall begin accepting applications for small cultivator licenses and testing laboratories. The initial application period shall remain open for 30 days. The Board may reopen the application process for any period of time at its discretion.

(2) On or before May 1, 2022, the Board shall begin issuing small cultivator and testing laboratories licenses to qualified applicants. Upon licensing, small cultivators shall be permitted to sell cannabis legally grown pursuant to the license to an integrated licensee and a dispensary licensed pursuant to 18 V.S.A. chapter 86 prior to other types of cannabis establishment licenses beginning operations.

(c)(1) On or before May 1, 2022, the Board shall begin accepting applications for all cultivator licenses. The initial application period shall remain open for 30 days. The Board may reopen the application process for any period of time at its discretion.

(2) On or before June 1, 2022, the Board shall begin issuing all cultivator licenses to qualified applicants.

(d)(1) On or before July 1, 2022, the Board shall begin accepting applications for product manufacturer licenses and wholesaler licenses. The initial application period shall remain open for 30 days. The Board may reopen the application process for any period of time at its discretion.

(2) On or before August 1, 2022, the Board shall begin issuing product manufacturer and wholesaler licenses to qualified applicants.

(e)(1) On or before September 1, 2022, the Board shall begin accepting applications for retailer licenses. The initial application period shall remain open for 30 days. The Board may reopen the application process for any period of time at its discretion.

(2) On or before October 1, 2022, the Board shall begin issuing retailer licenses to qualified applicants and sales of cannabis and cannabis products by

licensed retailers to the public shall be allowed immediately.

* * * Medical Cannabis Registry * * *

Sec. 9. 7 V.S.A. chapter 35 is added to read:

CHAPTER 35. MEDICAL CANNABIS REGISTRY

§ 951. DEFINITIONS

As used in this chapter:

(1) “Board” means the Cannabis Control Board.

(2) “Cannabis” has the same meaning as provided in section 831 of this title.

(3) “Cannabis product” has the same meaning as provided in section 831 of this title.

(4) “Dispensary” means a business organization licensed pursuant to chapter 37 of this title or 18 V.S.A. chapter 86.

(5)(A) “Health care professional” means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a naturopathic physician under 26 V.S.A. chapter 81, an individual certified as a physician assistant under 26 V.S.A. chapter 31, or an individual licensed as an advanced practice registered nurse under 26 V.S.A. chapter 28.

(B) This definition includes individuals who are professionally licensed under substantially equivalent provisions in New Hampshire, Massachusetts, or New York.

(6) “Immature cannabis plant” means a female cannabis plant that has not flowered and that does not have buds that may be observed by visual examination.

(7) “Mature cannabis plant” means a female cannabis plant that has flowered and that has buds that may be observed by visual examination.

(8) “Qualifying medical condition” means:

(A) cancer, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, glaucoma, Crohn’s disease, Parkinson’s disease, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms;

(B) post-traumatic stress disorder, provided the Department confirms the applicant is undergoing psychotherapy or counseling with a licensed mental health care provider; or

(C) a disease or medical condition or its treatment that is chronic, debilitating, and produces one or more of the following intractable symptoms: cachexia or wasting syndrome, chronic pain, severe nausea, or seizures.

(9) "Registry" means the Vermont Medical Cannabis Registry.

§ 952. REGISTRY

(a) The Board shall establish and manage the Vermont Medical Cannabis Registry for the purpose of allowing persons with qualifying medical conditions and their caregivers to obtain privileges regarding cannabis and cannabis product possession, use, cultivation, and purchase.

(b) A person who is a registered patient or a registered caregiver on behalf of a patient may:

(1) Cultivate not more than two mature and seven immature cannabis plants. Any cannabis harvested from the plants shall not count toward the two-ounce possession limit in subdivision (2) of this subsection, provided it is stored in an indoor facility on the property where the cannabis was cultivated and reasonable precautions are taken to prevent unauthorized access to the cannabis.

(2) Possess not more than two ounces of cannabis.

(3) Purchase cannabis and cannabis products at a licensed medical cannabis dispensary. Pursuant to chapter 37 of this title, a dispensary may offer goods and services that are not permitted at a cannabis establishment licensed pursuant to chapter 33 of this title.

(c)(1) Individual names and identifying information about patients and caregivers on the Registry are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption created in this subsection shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e).

(2) In response to a person-specific or property-specific inquiry by a law enforcement officer or agency made in the course of a bona fide investigation or prosecution, the Board may verify the identities and registered property addresses of the registered patient and the patient's registered caregiver. The law enforcement officer or agency shall keep confidential any identities and addresses received pursuant to this subdivision.

(d) The Board shall establish an application process through rulemaking. The Board shall approve or deny the application for registration in writing within 30 days from receipt of a completed registration application.

§ 953. PATIENTS

(a) Pursuant to rules adopted by the Board, a person may register with the Board to obtain the benefits of the Registry as provided in section 952 of this title.

(b) An application by a person under 18 years of age shall be signed by both the applicant and the applicant's parent or guardian.

§ 954. CAREGIVERS

(a) Pursuant to rules adopted by the Board, a person may register with the Board as a caregiver of a registered patient to obtain the benefits of the Registry as provided in section 952 of this title.

(b)(1) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a caregiver card because of his or her criminal history record. An applicant shall not be denied solely on the basis of a criminal conviction that is not listed in 13 V.S.A. chapter 25 or 28.

(2) The Board shall obtain from the Vermont Crime Information Center a copy of the caregiver applicant's fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

(c) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a cannabis establishment license because of his or her criminal history record

(d)(1) Except as provided in subdivision (2) of this subsection, a caregiver shall serve only one patient at a time, and a patient shall have only one registered caregiver at a time. A patient may serve as a caregiver for one other patient.

(2) A patient who is under 18 years of age may have two caregivers.

§ 955. REGISTRATION; FEES

(a) A registration card shall expire one year after the date of issuance. A patient or caregiver may renew the card according to protocols adopted by the Board.

(b) The Board shall charge and collect fees for annual registration for patients and caregivers. Fees shall be deposited in the Cannabis Regulation Fund as provided in section 845 of this title.

§ 956. RULEMAKING

The Board shall adopt rules for the administration of this chapter. No rule shall be more restrictive than any rule adopted by the Department of Public

Safety pursuant to 18 V.S.A. chapter 86.

Sec. 10. IMPLEMENTATION OF MEDICAL CANNABIS REGISTRY

(a) On March 1, 2022, patients and caregivers who are on the Department of Public Safety's Medical Marijuana Registry pursuant to 18 V.S.A. chapter 86 shall transfer to the Cannabis Control Board's Medical Cannabis Registry pursuant to 7 V.S.A. chapter 35. At such time, those patients and caregivers will be entitled to the privileges afforded registrants under 7 V.S.A. chapter 35 and rules adopted by the Board pursuant to 7 V.S.A. chapter 35.

(b) The registration card of a patient or caregiver who transfers to the new Registry shall expire on the date of the registration card and a patient or caregiver who wishes to continue participation on the Registry shall renew the registration card under rules adopted by the Board.

Sec. 11. REPEAL

18 V.S.A. chapter 86 (therapeutic use of cannabis) is repealed.

* * * Medical Cannabis Dispensaries * * *

Sec. 12. 7 V.S.A. chapter 37 is added to read:

CHAPTER 37. MEDICAL CANNABIS DISPENSARIES

§ 971. INTENT; PURPOSE

(a) It is the intent of the General Assembly to provide a well-regulated system of licensed medical cannabis dispensaries for the purpose of providing cannabis, cannabis products, and related services to patients and caregivers who are registered on the Medical Cannabis Registry pursuant to chapter 35 of this title. Vermont first authorized dispensaries in 2011, and it is the intent of the General Assembly that dispensaries continue to provide unique goods and services to registered patients and caregivers for therapeutic purposes in a market that also allows cannabis establishments licensed pursuant to chapter 33 of this title.

(b) A dispensary licensed pursuant to this chapter may engage in practices that are not permitted for a cannabis establishment. As such, a dispensary may:

- (1) be vertically integrated under one license;
- (2) sell tax-free cannabis and cannabis products to patients and caregivers;
- (3) deliver cannabis and cannabis products to patients and caregivers;
- (4) allow patients and caregivers to purchase cannabis and cannabis products without leaving their vehicles;

(5) produce and sell cannabis and cannabis products that have a higher THC content than is permitted for a cannabis establishment;

(6) produce and sell cannabis products that may not otherwise be permitted for a cannabis establishment, but that would be appropriate for use by a patient as determined by the Board through rulemaking; and

(7) sell larger quantities of cannabis and cannabis products than is permitted for a cannabis establishment.

§ 972. DEFINITIONS

As used in this chapter:

(1) “Board” means the Cannabis Control Board.

(2) “Cannabis” has the same meaning as provided in section 831 of this title.

(3) “Cannabis product” has the same meaning as provided in section 831 of this title.

(4) “Dispensary” means a business organization licensed under this chapter or 18 V.S.A. chapter 86.

(5) “Registry” means the Vermont Medical Cannabis Registry.

§ 973. DISPENSARY LICENSE

(a) A dispensary licensed pursuant to this chapter may:

(1) cultivate, package, label, test, and transport cannabis;

(2) produce, package, label, test, and transport cannabis products;

(3) sell and deliver cannabis and cannabis products to patients and caregivers registered under chapter 35 of this title;

(4) acquire, purchase, or borrow cannabis, cannabis products, and services from another licensed Vermont medical cannabis dispensary or give, sell, or lend cannabis, cannabis products, and services to another licensed Vermont medical cannabis dispensary; and

(5) purchase cannabis and cannabis products from a cannabis establishment licensed pursuant to chapter 33 of this title.

(b)(1) The following records shall be exempt from public inspection and copying under the Public Records Act and shall be confidential:

(A) any record in an application for a license relating to security, public safety, transportation, or trade secrets, including information provided in an operating plan pursuant to subdivision 881(a)(1)(B) of this title; and

(B) any licensee record relating to security, public safety, transportation, trade secrets, or employees.

(2) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption created in this subsection shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e).

§ 974. RULEMAKING

(a)(1) The Board shall adopt rules to implement and administer this chapter. In adoption of rules, the Board shall strive for consistency with rules adopted for cannabis establishments pursuant to chapter 33 of this title where appropriate. No rule shall be more restrictive than any rule adopted by the Department of Public Safety pursuant to 18 V.S.A. chapter 86.

(2) Rules shall include:

(A) the form and content of license and renewal applications;

(B) qualifications for licensure that are directly and demonstrably related to the operation of a dispensary, including:

(i) a requirement to submit an operating plan, which shall include information concerning:

(I) the type of business organization; the identity of its controlling owners and principals; and the identity of the controlling owners and principals of its affiliates; and

(II) the sources, amount, and nature of its capital, assets, and financing; the identity of its financiers; and the identity of the controlling owners and principals of its financiers;

(ii) a requirement to file an amendment to its operating plan in the event of a significant change in organization, operation, or financing; and

(iii) the requirement for a fingerprint-based criminal history record check and regulatory record check pursuant to section 975 of this title;

(C) oversight requirements, including provisions to ensure that a licensed establishment complies with State and federal regulatory requirements governing insurance, securities, workers' compensation, unemployment insurance, and occupational health and safety;

(D) facility inspection requirements and procedures;

(E) records to be kept by licensees and the required availability of the records;

(F) employment and training requirements;

(G) security requirements, including any appropriate lighting, physical security, video, and alarm requirements;

(H) health and safety requirements;

(I) regulation of additives to cannabis and cannabis products, including those that are toxic or designed to make the product more addictive, more appealing to persons under 21 years of age, or to mislead consumers;

(J) procedures for seed-to-sale traceability of cannabis, including any requirements for tracking software;

(K) regulation of the storage and transportation of cannabis;

(L) sanitary requirements;

(M) procedures for the renewal of a license, which shall allow renewal applications to be submitted up to 90 days prior to the expiration of the cannabis establishment's license;

(N) procedures for suspension and revocation of a license;

(O) requirements for banking and financial transactions, including provisions to ensure that the Board, the Department of Financial Regulation, and financial institutions have access to relevant information concerning licensed establishments to comply with State and federal regulatory requirements;

(P) disclosure or eligibility requirements for a financier, its owners and principals, and its affiliates, which may include:

(i) requirements to disclose information to a licensed establishment, the Board, or the Department of Financial Regulation;

(ii) a minimum age requirement and a requirement to conduct a background check for natural persons;

(iii) requirements to ensure that a financier complies with applicable State and federal laws governing financial institutions, licensed lenders, and other financial service providers; and

(iv) any other requirements, conditions, or limitations on the type or amount of loans or capital investments made by a financier or its affiliates, which the Board, in consultation with the Department of Financial Regulation, determines is necessary to protect the public health, safety, and general welfare;

(Q) policies and procedures for conducting outreach and promoting participation in the regulated cannabis market by diverse groups of individuals, including those who have been disproportionately harmed by cannabis prohibition;

(R) pesticides or classes of pesticides that may be used by cultivators, provided that any rules adopted under this subdivision shall comply with and shall be at least as stringent as the Agency of Agriculture, Food and Markets' Vermont Pesticide Control Regulations;

(S) standards for indoor cultivation of cannabis;

(T) procedures and standards for testing cannabis for contaminants, potency, and quality assurance and control;

(U) labeling requirements for cannabis sold to retailers and integrated licensees, including health warnings developed in consultation with the Department of Health;

(V) regulation of visits to the establishments, including the number of visitors allowed at any one time and record keeping concerning visitors;

(W) requirements that cannabis products are labeled in a manner that states the number of servings of tetrahydrocannabinol in the product, measured in servings of a maximum of five milligrams per serving, except cannabis products that are not consumable, including topical preparations;

(X) requirements that cannabis products are labeled with the date the product was manufactured, the date the product is best used by, the ingredients contained in the product, information on the length of time it typically takes for products to take effect, and appropriate warnings developed by the Board in consultation with the Department of Health;

(Y) requirements that a cannabis product is clearly identifiable with a standard symbol adopted by the Board indicating that it contains cannabis;

(Z) procedures and standards for testing cannabis products for contaminants, potency, and quality assurance and control;

(AA) requirements for opaque, child-resistant packaging;

(BB) requirements for verification of a customer's Registry status;

(CC) restrictions that cannabis shall be stored behind a counter or other barrier to ensure a customer does not have direct access to the cannabis;

(DD) requirements that if the dispensary sells hemp or hemp products, the hemp and hemp products are clearly labeled as such and

displayed separately from cannabis and cannabis products;

(EE) requirements for opaque, child-resistant packaging of cannabis and cannabis products at point of sale to customer;

(FF) facility inspection requirements and procedures;

(GG) procedures and standards for testing cannabis and cannabis products for contaminants, potency, and quality assurance and control;

(HH) reporting requirements, including requirements for chain-of-custody record keeping; and

(II) procedures for destruction of all cannabis and cannabis products samples.

(b) The Board shall consult with other State agencies and departments as necessary in the development and adoption of rules where there is shared expertise and duties.

§ 975. CRIMINAL BACKGROUND RECORD CHECKS; APPLICANTS

(a) The Board shall obtain from the Vermont Crime Information Center a copy of a license applicant's fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

(b) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a medical cannabis dispensary license because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify a candidate.

§ 976. DISPENSARY IDENTIFICATION CARD

(a) Every owner, principal, and employee of a dispensary shall obtain an identification card issued by the Board.

(b)(1) Prior to issuing the identification card, the Board shall obtain from the Vermont Crime Information Center a copy of the person's fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

(2) The Board shall adopt rules that set forth standards for determining whether a person should be denied a medical cannabis dispensary identification card because his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses

shall not automatically disqualify a candidate.

(c) Once an identification card application has been submitted, a person may serve as an employee of a dispensary pending the background check, provided the person is supervised in his or her duties by someone who is a cardholder. The Board shall issue a temporary permit to the person for this purpose, which shall expire upon the issuance of the identification card or disqualification of the person in accordance with this section.

(d) An identification card shall expire one year after its issuance or upon the expiration of the dispensary's license, whichever occurs first.

§ 977. FEES

(a) The Board shall charge and collect the following fees for dispensaries:

- (1) application fees;
- (2) annual license fees; and
- (3) annual renewal fees.

(b) Fees shall be deposited in the Cannabis Regulation Fund as provided in section 845 of this title.

§ 978. [Reserved]

§ 979. CULTIVATION OF CANNABIS; ENVIRONMENTAL AND LAND USE STANDARDS

(a)(1) A dispensary shall not be regulated as "farming" under the Required Agricultural Practices, 6 V.S.A. chapter 215, or other State law, and cannabis produced from cultivation shall not be considered an agricultural product or agricultural crop for the purposes of 32 V.S.A. chapter 124, 32 V.S.A. § 9741, or other relevant State law.

(2) Notwithstanding subdivision (1) of this subsection, the cultivation of cannabis on agricultural land and the use of farm buildings to dry or process that cannabis shall not disqualify the land or buildings from the use value appraisal program or constitute "development" under 32 V.S.A. § 3752(5), provided that:

(A) the agricultural land or farm building is enrolled in the use value appraisal program at the time cannabis cultivation commences;

(B) the agricultural land or farm building is not transferred to another owner;

(C) the cultivation, drying, or processing of cannabis is done by a license on 1,000 square feet or less of agricultural land; and

(D) all other requirements under 32 V.S.A. chapter 124 continue to be met.

(b) The cultivation, processing, and manufacturing of cannabis regulated under this chapter shall comply with all applicable State, federal, and local environmental, energy, or public health law, unless otherwise provided under this chapter.

(c) A dispensary regulated under this chapter shall be subject to regulation under 24 V.S.A. chapter 117 as authorized by this chapter.

(d)(1) The cultivation, processing, and manufacturing of cannabis regulated under this chapter shall comply with the following sections of the Required Agricultural Practices:

(A) section 6, regarding conditions, restriction, and operating standards;

(B) section 8, regarding groundwater quality and groundwater quality investigations; and

(C) section 12, regarding subsurface tile drainage.

(2) Application of or compliance with the Required Agricultural Practices under subdivision (1) of this subsection shall not be construed to provide a presumption of compliance with or exemption to any applicable State, federal, and local environmental, energy, public health, or land use law required under subsections (b) and (c) of this section.

(e) Persons cultivating cannabis or handling pesticides for the purposes of the manufacture of cannabis products shall comply with the worker protection standard of 40 C.F.R. part 170.

Sec. 13. IMPLEMENTATION OF MEDICAL CANNABIS REGISTRIES

(a) On March 1, 2022, regulation of medical marijuana dispensaries that are registered pursuant to 18 V.S.A. chapter 86 shall transfer from the Department of Public Safety to the Cannabis Control Board. At such time, those registered dispensaries shall operate pursuant to 7 V.S.A. chapter 37 and the rules adopted by the Board pursuant to chapter 37.

(b) The registration certificate of a dispensary that transfers to the Board shall expire on the date of issue of the certificate and a dispensary that wishes to continue operating as a dispensary shall apply to the Board for a dispensary license pursuant to 7 V.S.A. chapter 37 and the rules adopted by the Board pursuant to chapter 37.

* * * Creation of Excise Tax * * *

Sec. 14. 7 V.S.A. chapter 207 is added to read:

CHAPTER 207. CANNABIS EXCISE TAX

§ 7901. DEFINITIONS

As used in this chapter:

- (1) “Cannabis” has the same meaning as in section 831 of this title.
- (2) “Cannabis cultivator” has the same meaning as in section 861 of this title.
- (3) “Cannabis product” has the same meaning as in section 831 of this title.
- (4) “Cannabis product manufacturer” has the same meaning as in section 861 of this title.
- (5) “Cannabis retailer” has the same meaning as in section 861 of this title.
- (6) “Cannabis wholesaler” has the same meaning as in section 861 of this title.
- (7) “Integrated licensee” has the same meaning as in section 861 of this title.
- (8) “Retail sale” or “sold at retail” means any sale for any purpose other than for resale by a cannabis retailer or integrated licensee.
- (9) “Sales price” has the same meaning as in section 9701 of this title.

§ 7902. CANNABIS EXCISE TAX

(a) There is imposed a cannabis excise tax equal to 14 percent of the sales price of each retail sale in this State of cannabis and cannabis products, including food or beverages.

(b) The tax imposed by this section shall be paid by the purchaser to the retailer or integrated licensee. Each retailer or integrated licensee shall collect from the purchaser the full amount of the tax payable on each taxable sale.

(c) The tax imposed by this section is separate from and in addition to the general sales and use tax imposed by chapter 233 of this title. The tax imposed by this section shall not be part of the sales price to which the general sales and use tax applies. The cannabis excise tax shall be separately itemized from the general sales and use tax on the receipt provided to the purchaser.

(d) The following sales shall be exempt from the tax imposed under this section:

(1) sales under any circumstances in which the State is without power to impose the tax; and

(2) sales made by any dispensary as authorized under 7 V.S.A. chapter 37, provided that the cannabis or cannabis product is sold only to registered qualifying patients directly or through their registered caregivers.

§ 7903. LIABILITY FOR TAX

(a) Any tax collected in accordance with this chapter shall be deemed to be held by the retailer or integrated licensee in trust for the State of Vermont. Any tax collected under this chapter shall be accounted for separately so as clearly to indicate the amount of tax collected and that the same are the property of the State of Vermont.

(b) Every retailer or integrated licensee required to collect and remit the tax under this chapter to the Commissioner shall be personally and individually liable for the amount of such tax together with such interest and penalty as has accrued under the provisions of section 3202 of this title. If the retailer or integrated licensee is a corporation or other entity, the personal liability shall extend to any officer or agent of the corporation or entity who as an officer or agent of the same has the authority to collect and remit tax to the Commissioner of Taxes as required in this chapter.

(c) A retailer or integrated licensee shall have the same rights in collecting tax from his or her purchaser or regarding nonpayment of tax by the purchaser as if the tax were a part of the purchase price of cannabis or cannabis products and payable at the same time; provided, however, if the retailer or integrated licensee required to collect tax has failed to remit any portion of the tax to the Commissioner of Taxes, the Commissioner of Taxes shall be notified of any action or proceeding brought by the retailer or integrated licensee to collect tax and shall have the right to intervene in such action or proceeding.

(d) A retailer or integrated licensee required to collect tax may also refund or credit to the purchaser any tax erroneously, illegally, or unconstitutionally collected. No cause of action that may exist under State law shall accrue against the retailer or integrated licensee for tax collected unless the purchaser has provided written notice to a retailer or integrated licensee and the retailer or integrated licensee has had 60 days to respond.

§ 7904. RETURNS; RECORDS

(a) Any retailer or integrated licensee required to collect the tax imposed by this chapter shall, on or before the 25th day of every month, return to the

Department of Taxes, under oath of a person with legal authority to bind the retailer or integrated licensee, a statement containing its name and place of business, the total amount of sales subject to the cannabis excise tax made in the preceding month, and any information required by the Department of Taxes, along with the total tax due. Retailers and integrated licensees shall not remit the tax collected to the Department of Taxes in cash absent the issuance of a waiver by the Commissioner of Taxes, and the Commissioner may require that returns be submitted electronically.

(b) Every retailer and integrated licensee shall maintain, for not less than three years, accurate records showing all transactions subject to tax liability under this chapter. The records are subject to inspection by the Department of Taxes at all reasonable times during normal business hours.

§ 7905. BUNDLED TRANSACTIONS

(a) Except as provided in subsection (b) of this section, a retail sale of a bundled transaction that includes cannabis or a cannabis product is subject to the cannabis excise tax imposed by this chapter on the entire sales price of the bundled transaction. If there is a conflict with the bundling transaction provisions applicable to another tax type, this section shall apply.

(b) If the sales price is attributable to products that are taxable and products that are not taxable under this chapter, the portion of the price attributable to the products that are nontaxable is subject to the tax imposed by this chapter unless the retailer or integrated licensee can identify by reasonable and verifiable standards the portion that is not subject to tax from its books and records that are kept in the regular course of business, and any discounts applied to the bundle must be attributed to the products that are nontaxable under this chapter.

(c) As used in this section, “bundled transaction” means:

(1) the retail sale of two or more products where the products are otherwise distinct and identifiable, are sold for one nonitemized price, and at least one of the products is or contains cannabis; or

(2) cannabis or a cannabis product that is provided free of charge with the required purchase of another product.

§ 7906. LICENSE

(a) Any retailer or integrated licensee required to collect tax imposed by this chapter must apply for and receive a cannabis retail tax license from the Commissioner for each place of business within the State where he or she sells cannabis or cannabis products prior to commencing business. The Commissioner shall issue without charge a license, or licenses, empowering

the retailer or integrated licensee to collect the cannabis excise tax, provided that a retailer or integrated licensee's application is properly submitted and the retailer or integrated licensee is otherwise in compliance with applicable laws, rules, and provisions.

(b) Each cannabis retail tax license shall state the place of business to which it is applicable and be prominently displayed in the place of business. The licenses shall be nonassignable and nontransferable and shall be surrendered to the Commissioner immediately upon the registrant ceasing to do business in the place named. A cannabis retail tax license shall be separate from and in addition to any licenses required by sections 9271 (meals and rooms tax) and 9707 (sales and use tax) of this title.

(c) The Cannabis Control Board may require the Commissioner of Taxes to suspend or revoke the tax licenses issued under this section for any retailer or integrated licensee that fails to comply with 7 V.S.A. chapter 33 or any rules adopted by the Board.

§ 7907. ADMINISTRATION OF THE CANNABIS EXCISE TAX

(a) The Commissioner of Taxes shall administer and enforce this chapter. The Commissioner may adopt rules pursuant to 3 V.S.A. chapter 25 to carry out such administration and enforcement.

(b) To the extent not inconsistent with this chapter, the provisions for the assessment, collection, enforcement, and appeals of the sales and use tax in chapter 233 of this title shall apply to the cannabis excise tax imposed by this chapter.

§ 7908. STATUTORY PURPOSE

The statutory purpose of the exemption for cannabis and cannabis products sold by any dispensary as authorized under 7 V.S.A. chapter 37 in subdivision 7902(d)(2) of this title is to lower the cost of medical products in order to support the health and welfare of Vermont residents.

Sec. 14a. 32 V.S.A. § 3102(d)(3) is amended to read:

(3) to any person who inquires, provided that the information is limited to whether a person is registered to collect Vermont income withholding, sales and use, ~~or meals and rooms,~~ or cannabis excise tax; whether a person is in good standing with respect to the payment of these taxes; whether a person is authorized to buy or sell property free of tax; or whether a person holds a valid license under chapter 205 or 239 of this title or 10 V.S.A. § 1942;

* * * Sales Tax Exemption * * *

Sec. 15. 32 V.S.A. § 9701(31) is amended to read:

(31) “Food and food ingredients” means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. “Food and food ingredients” does not include alcoholic beverages, tobacco, cannabis and cannabis products as defined under 7 V.S.A. § 831, or soft drinks.

Sec. 16. 32 V.S.A. § 9741(53) is added to read:

(53) Cannabis and cannabis products as defined under 7 V.S.A. § 831 sold by any dispensary as authorized under 7 V.S.A. chapter 37, provided that the cannabis or cannabis product is sold only to registered qualifying patients directly or through their registered caregivers.

* * * Tax Expenditure; Statutory Purpose * * *

Sec. 17. 32 V.S.A. § 9706(mm) is added to read:

(mm) The statutory purpose of the exemption for cannabis and cannabis products as defined under 7 V.S.A. § 831 in subdivision 9741(53) of this title is to lower the cost of medical products sold by any dispensary as authorized under 7 V.S.A. chapter 37 in order to support the health and welfare of Vermont residents.

* * * Meals and Rooms Tax * * *

Sec. 17a. 32 V.S.A. § 9202(10) is amended to read:

(10) “Taxable meal” means:

* * *

(D) “Taxable meal” shall not include:

(i) Food or beverage, other than that taxable under subdivision (10)(C) of this section, that is a grocery-type item furnished for take-out: whole pies or cakes, loaves of bread; single-serving bakery items sold in quantities of three or more; delicatessen and nonprepackaged candy sales by weight or measure, except party platters; whole uncooked pizzas; pint or larger closed containers of ice cream or frozen confection; eight ounce or larger containers of salad dressings or sauces; maple syrup; quart or larger containers of cider or milk.

* * *

(iii) Cannabis or cannabis products as defined under 7 V.S.A. § 831.

Sec. 17b. 32 V.S.A. § 9201(n) is added to read:

(n) The statutory purpose for the exemption for cannabis and cannabis products as defined under 7 V.S.A. § 831 in subdivision 9202(10)(D)(iii) of this title is to avoid having both the meals and rooms tax and the cannabis excise tax apply to edible cannabis products.

* * * Use of Sales and Use Tax Revenue * * *

Sec. 17c. DEDICATED USE OF SALES AND USE TAX ON CANNABIS

Notwithstanding 16 V.S.A. § 4025(b), revenue from the sales and use tax imposed by 32 V.S.A. chapter 233 on retail sales of cannabis or cannabis products in this State shall be used to fund a grant program to start or expand afterschool and summer learning programs, with a focus on increasing access in underserved areas of the State.

Sec. 17d. ANNUAL BUDGETING OF SALES AND USE TAX REVENUE

On or before November 15, 2021 and on or before each subsequent November 15, the Agency of Education shall submit to the General Assembly a plan to fund grants in furtherance of the purposes of Sec. 17c of this act. The grants shall be in an amount equal to the official forecasted revenues to be raised from the sales and use tax imposed by 32 V.S.A. chapter 233 on cannabis or cannabis products in this State. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan to be made under this subsection.

* * * Income Tax Deduction * * *

Sec. 18. 32 V.S.A. § 5811 is amended to read:

§ 5811. DEFINITIONS

The following definitions shall apply throughout this chapter unless the context requires otherwise:

* * *

(18) “Vermont net income” means, for any taxable year and for any corporate taxpayer:

(A) the taxable income of the taxpayer for that taxable year under the laws of the United States, without regard to 26 U.S.C. § 168(k) of the Internal Revenue Code, and excluding income which under the laws of the United States is exempt from taxation by the states:

* * *

(ii) decreased by:

(I) the “gross-up of dividends” required by the federal Internal Revenue Code to be taken into taxable income in connection with the taxpayer’s election of the foreign tax credit; ~~and~~

(II) the amount of income ~~which~~ that results from the required reduction in salaries and wages expense for corporations claiming the Targeted Job or WIN credits; ~~and~~

(III) any federal deduction or credit that the taxpayer would have been allowed for the cultivation, testing, processing, or sale of cannabis or cannabis products as authorized under 18 V.S.A. chapter 86 or 7 V.S.A. chapter 33 or 37, but for 26 U.S.C. § 280E.

* * *

(21) “Taxable income” means, in the case of an individual, federal adjusted gross income determined without regard to 26 U.S.C. § 168(k) and:

* * *

(B) Decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

* * *

(iii) recapture of State and local income tax deductions not taken against Vermont income tax; ~~and~~

(iv) the portion of federally taxable benefits received under the federal Social Security Act that is required to be excluded under section 5830e of this chapter; and

(v) the amount of any federal deduction or credit that the taxpayer would have been allowed for the cultivation, testing, processing, or sale of cannabis or cannabis products as authorized under 18 V.S.A. chapter 86 or 7 V.S.A. chapter 33 or 37, but for 26 U.S.C. § 280E; and

* * *

Sec. 18a. 32 V.S.A. § 5811(18)(A)(ii)(III) is amended to read:

(III) any federal deduction or credit that the taxpayer would have been allowed for the cultivation, testing, processing, or sale of cannabis or cannabis products as authorized under ~~18 V.S.A. chapter 86 or 7 V.S.A. chapter 33 or 37, but for 26 U.S.C. § 280E.~~

Sec. 18b. 32 V.S.A. § 5811(21)(B)(v) is amended to read:

(v) the amount of any federal deduction or credit that the taxpayer would have been allowed for the cultivation, testing, processing, or sale of cannabis or cannabis products as authorized under ~~18 V.S.A. chapter 86 or 7 V.S.A. chapter 33 or 37, but for 26 U.S.C. § 280E; and~~

Sec. 18c. LEGISLATIVE INTENT

It is the intent of the General Assembly to create an income tax deduction for dispensaries and cannabis establishments for the taxable years beginning on and after January 1, 2022. This deduction shall be available to dispensaries irrespective of their regulation under 18 V.S.A. chapter 86 or 7 V.S.A. chapter 37 and to cannabis establishments licensed and engaged in the activities permitted under 7 V.S.A. chapter 33.

* * * Substance Misuse Prevention * * *

Sec. 19. SUBSTANCE MISUSE PREVENTION FUNDING

Thirty percent of the revenues raised by the cannabis excise tax imposed by 32 V.S.A. § 7901, not to exceed \$10,000,000.00 per fiscal year, shall be used for the purpose of funding substance misuse prevention programming.

* * * Impaired Driving * * *

Sec. 20. 20 V.S.A. § 2358(f) is added to read:

(f) The criteria for all minimum training standards under this section shall include Advanced Roadside Impaired Driving Enforcement training as approved by the Vermont Criminal Justice Training Council. On or before December 31, 2021, law enforcement officers shall receive a minimum of 16 hours of training as required by this subsection.

Sec. 21. 23 V.S.A. § 1200 is amended to read:

§ 1200. DEFINITIONS

As used in this subchapter:

* * *

(3) “Evidentiary test” means a breath, saliva, or blood test ~~which~~ that indicates the person’s alcohol concentration or the presence of other drug and ~~which~~ that is intended to be introduced as evidence.

* * *

Sec. 22. 23 V.S.A. § 1201 is amended to read:

§ 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF
ALCOHOL OR OTHER SUBSTANCE; CRIMINAL REFUSAL;
ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway:

(1) when the person’s alcohol concentration is:

(A) 0.08 or more;² or

(B) 0.02 or more if the person is operating a school bus as defined in subdivision 4(34) of this title; or

(C) 0.04 or more if the person is operating a commercial vehicle as defined in subdivision 4103(4) of this title; or

(2) when the person is under the influence of alcohol; or

(3) when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug; ~~or~~

~~(4) when the person's alcohol concentration is 0.04 or more if the person is operating a commercial motor vehicle as defined in subdivision 4103(4) of this title.~~

(b) A person who has previously been convicted of a violation of this section shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer had reasonable grounds to believe the person was in violation of subsection (a) of this section.

(c) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and be involved in an accident or collision resulting in serious bodily injury or death to another and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer has reasonable grounds to believe the person has any amount of alcohol or drugs in the his or her system.

* * *

(i) Evidence of the results of a standardized field sobriety test conducted by a law enforcement officer trained in Advanced Roadside Impaired Driving Enforcement or a certified Drug Recognition Expert's systematic evaluation of observable signs and symptoms of a person charged with a violation of this section shall be presumptively admissible at trial to demonstrate whether or not the person was operating under the influence in violation of this section.

Sec. 23. 23 V.S.A. § 1202 is amended to read:

§ 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD ALCOHOL CONTENT OR PRESENCE OF OTHER DRUG

(a)(1) Implied consent. Every person who operates, attempts to operate, or is in actual physical control of any vehicle on a highway in this State is deemed to have given consent to an evidentiary test of that person's breath for the purpose of determining the person's alcohol concentration or the presence

of other drug in the blood. The test shall be administered at the direction of a law enforcement officer.

(2) Blood test. If breath testing equipment is not reasonably available or if the officer has reason to believe that the person is unable to give a sufficient sample of breath for testing or if the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, the person is deemed to have given consent to the taking of an evidentiary sample of blood. If in the officer's opinion the person is incapable of decision or unconscious or dead, it is deemed that the person's consent is given and a sample of blood shall be taken. A blood test sought pursuant to this subdivision (2) shall be obtained pursuant to subsection (f) of this section.

(3) Saliva test. If the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, or under the combined influence of alcohol and a drug, the person is deemed to have given consent to providing of an evidentiary sample of saliva. A saliva test sought pursuant to this subdivision (3) shall be obtained pursuant to subsection (f) of this section. Any saliva test administered under this section shall be used only for the limited purpose of detecting the presence of a drug in the person's body and shall not be used to extract DNA information.

(4) Evidentiary test. The evidentiary test shall be required of a person when a law enforcement officer has reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title.

~~(4)~~(5) Fatal collision or incident resulting in serious bodily injury. The evidentiary test shall also be required if the person is the surviving operator of a motor vehicle involved in a fatal incident or collision or an incident or collision resulting in serious bodily injury and the law enforcement officer has reasonable grounds to believe that the person has any amount of alcohol or other drug in his or her system.

(b) A refusal to take a breath test may be introduced as evidence in a criminal proceeding.

(c) A person who is requested by a law enforcement officer to submit to an evidentiary test or tests has a right as limited in this subsection to consult an attorney before deciding whether or not to submit to such a test or tests. The person must decide whether or not to submit to the evidentiary test or tests within a reasonable time and not later than 30 minutes after the time of the initial attempt to contact the attorney. The person must make a decision about whether to submit to the test or tests at the expiration of the 30 minutes, regardless of whether a consultation took place.

(d) At the time a test is requested, the person shall be informed of the following statutory information:

(1) Vermont law authorizes a law enforcement officer to request a test to determine whether the person is under the influence of alcohol or other drug.

(2) If the officer's request is reasonable and testing is refused, the person's license or privilege to operate will be suspended for at least six months.

(3) If a test is taken and the results indicate that the person is under the influence of alcohol or other drug, the person will be subject to criminal charges and the person's license or privilege to operate will be suspended for at least 90 days.

(4) A person who is requested by a law enforcement officer to submit to an evidentiary test or tests has the limited right to consult an attorney before deciding whether or not to submit to such a test or tests. The person must decide whether or not to submit to the evidentiary test or tests within a reasonable time and ~~no~~ not later than 30 minutes from the time of the initial attempt to contact the attorney, regardless of whether a consultation took place. The person also has the right to have additional tests made by someone of the person's own choosing at the person's own expense. The person shall also be informed of the location of one or more facilities available for drawing blood.

(5) A person who is requested by a law enforcement officer to submit to an evidentiary test administered with an infrared breath-testing instrument may elect to have a second infrared test administered immediately after receiving the results of the first test.

(6) If the person refuses to take an evidentiary test, the refusal may be offered into evidence against the person at trial, whether or not a search warrant is sought. The person may be charged with the crime of criminal refusal if the person:

(A) has previously been convicted of a violation of section 1201 of this title; or

(B) is involved in an accident or collision resulting in serious bodily injury or death to another, in which case the court may issue a search warrant and order the person to submit to a blood test, the results of which may be offered into evidence against the person at trial.

* * *

(f)(1) If a blood test is sought from a person pursuant to subdivision (a)(2) of this section, or if a person who has been involved in an accident or collision resulting in serious bodily injury or death to another refuses an evidentiary

test, a law enforcement officer may apply for a search warrant pursuant to Rule 41 of the Vermont Rules of Criminal Procedure to obtain a sample of blood for an evidentiary test. If Pursuant to subdivision (d)(6) of this section, if a blood sample is obtained by search warrant, the fact of the refusal may still be introduced in evidence, in addition to the results of the evidentiary test. Once a law enforcement official begins the application process for a search warrant, the law enforcement official is not obligated to discontinue the process even if the person later agrees to provide an evidentiary ~~breath~~ sample. The limitation created by Rule 41(g) of the Vermont Rules of Criminal Procedure regarding blood specimens shall not apply to search warrants authorized by this section.

(2) If an evidentiary saliva test is sought from a person pursuant to subdivision (a)(3) of this section, a law enforcement officer may apply for a search warrant pursuant Rule 41 of the Vermont Rules of Criminal Procedure to obtain a sample of saliva for the evidentiary test. Pursuant to subdivision (d)(6) of this section, if a saliva sample is obtained by search warrant, the fact of the refusal may still be introduced in evidence, in addition to the results of the evidentiary test.

(g) The Defender General shall provide statewide 24-hour coverage seven days a week to ~~assure~~ ensure that adequate legal services are available to persons entitled to consult an attorney under this section.

Sec. 24. 23 V.S.A. § 1203 is amended to read:

§ 1203. ADMINISTRATION OF TESTS; RETENTION OF TEST AND
VIDEOTAPE

(a) A breath test shall be administered only by a person who has been certified by the Vermont Criminal Justice Training Council to operate the breath testing equipment being employed. In any proceeding under this subchapter, a person's testimony that he or she is certified to operate the breath testing equipment employed shall be prima facie evidence of that fact.

(b)(1) Only a physician, licensed nurse, medical technician, physician assistant, medical technologist, ~~or~~ laboratory assistant, intermediate or advanced emergency medical technician, or paramedic acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the presence of alcohol or ~~other~~ another drug. This limitation does Any withdrawal of blood shall not be taken at roadside. These limitations do not apply to the taking of a breath sample. A medical facility or business may not charge more than \$75.00 for services rendered when an individual is brought to a facility for the sole purpose of an evidentiary blood sample or when an emergency medical technician or paramedic draws an evidentiary blood sample.

(2) A saliva sample may be obtained by a person authorized by the Vermont Criminal Justice Training Council to collect a saliva sample for the purpose of evidentiary testing to determine the presence of a drug. Any saliva sample obtained pursuant to this section shall not be taken at roadside.

~~(c) When a breath test which is intended to be introduced in evidence is taken with a crimper device or when breath saliva or blood is withdrawn at an officer's request, a sufficient amount of breath saliva or blood, as the case may be, shall be taken to enable the person to have made an independent analysis of the sample, and shall be held for at least 45 days from the date the sample was taken. At any time during that period the person may direct that the sample be sent to an independent laboratory of the person's choosing for an independent analysis. The Department of Public Safety shall adopt rules providing for the security of the sample. At no time shall the defendant or any agent of the defendant have access to the sample. A preserved sample of breath shall not be required when an infrared breath-testing instrument is used. A person tested with an infrared breath-testing instrument shall have the option of having a second infrared test administered immediately after receiving the results of the first test.~~

~~(d) In the case of a breath, saliva, or blood test administered using an ~~infrared breath testing instrument~~, the test shall be analyzed in compliance with rules adopted by the Department of Public Safety. The analyses shall be retained by the State. A sample is adequate if the infrared breath testing instrument analyzes the sample and does not indicate the sample is deficient. ~~Analysis~~ An analysis of the person's breath saliva or blood ~~which that~~ is available to that person for independent analysis shall be considered valid when performed according to methods approved by the Department of Public Safety. The analysis performed by the State shall be considered valid when performed according to a method or methods selected by the Department of Public Safety. The Department of Public Safety shall use rule making procedures to select its method or methods. Failure of a person to provide an adequate breath or saliva sample constitutes a refusal.~~

~~(e) [Repealed.]~~

~~(f) When a law enforcement officer has reason to believe that a person may be violating or has violated section 1201 of this title, the officer may request the person to provide a sample of breath for a preliminary screening test using a device approved by the Commissioner of Public Safety for this purpose. The person shall not have the right to consult an attorney prior to submitting to this preliminary breath alcohol screening test. The results of this preliminary screening test may be used for the purpose of deciding whether an arrest should be made and whether to request an evidentiary test and shall not be~~

used in any court proceeding except on those issues. Following the screening, ~~test~~ additional tests may be required of the operator pursuant to the provisions of section 1202 of this title.

(g) The Office of the Chief Medical Examiner shall report in writing to the Department of Motor Vehicles the death of any person as the result of an accident involving a vehicle and the circumstances of such accident within five days of such death.

(h) A Vermont law enforcement officer shall have a right to request a breath, saliva or blood sample in an adjoining state or country under this section unless prohibited by the law of the other state or country. If the law in an adjoining state or country does not prohibit an officer acting under this section from taking a breath, saliva, or blood sample in its jurisdiction, evidence of such sample shall not be excluded in the courts of this State solely on the basis that the test was taken outside the State.

(i) The Commissioner of Public Safety shall adopt emergency rules relating to the operation, maintenance, and use of preliminary alcohol screening devices for use by law enforcement officers in enforcing the provisions of this title. The ~~commissioner~~ Commissioner shall consider relevant standards of the National Highway Traffic Safety Administration in adopting such rules. Any preliminary alcohol screening device authorized for use under this title shall be on the qualified products list of the National Highway Traffic Safety Administration.

* * *

Sec. 25. 23 V.S.A. § 1203a(b) is amended to read:

(b) Arrangements for a blood test shall be made by the person submitting to the evidentiary breath or saliva test, by the person's attorney, or by some other person acting on the person's behalf unless the person is detained in custody after administration of the evidentiary test and upon completion of processing, in which case the law enforcement officer having custody of the person shall make arrangements for administration of the blood test upon demand but at the person's own expense.

Sec. 26. 23 V.S.A. § 1204 is amended to read:

§ 1204. PERMISSIVE INFERENCES

* * *

(b) The foregoing provisions shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcohol or under the combined influence of alcohol and another drug, nor shall they be construed as requiring

that evidence of the amount of alcohol or drug in the person's blood, breath, urine, or saliva must be presented.

Sec. 27. DEPARTMENT OF PUBLIC SAFETY; DRUG RECOGNITION EXPERTS; REPORT

On or before March 1, 2022, the Department of Public Safety shall report to the House and Senate Committees on Judiciary and on Government Operations on how to:

(1) achieve geographic equity in Drug Recognition Expert availability to conduct roadside evaluations of drivers suspected of violating 23 V.S.A. § 1201 across Vermont; and

(2) whether to expand the availability of the Drug Recognition Expert program beyond law enforcement officers to other public safety officials to the extent authorized by the national qualification standards of the International Association of Chiefs of Police and the National Highway Traffic Safety Administration.

Sec. 28. DEPARTMENT OF PUBLIC SAFETY; SALIVA TESTING DEVICE; REPORT

Upon the identifying a threshold level of concentration of a psychoactive metabolite of cannabis in a person's bloodstream to establish impairment and approving a chemical testing device for roadside use capable of demonstrating such a threshold level of concentration of such psychoactive metabolite of cannabis in a person's system, the Department of Public Safety shall report to the House and Senate Committees on Judiciary and on Government Operations on a proposal to implement the use of such a device to evaluate individuals suspected of operating under the influence of marijuana in violation of 23 V.S.A. § 1201.

* * * Miscellaneous Cannabis Provisions * * *

Sec. 29. 6 V.S.A. § 567 is amended to read:

§ 567. AGENCY OF AGRICULTURE, FOOD AND MARKETS; TESTING

(a) The Agency of Agriculture, Food and Markets shall establish a cannabis quality control program for the following purposes:

(1) to develop potency and contaminant testing protocols for hemp₂ and hemp-infused products, cannabis, and cannabis products as defined in 7 V.S.A. § 831;

(2) to verify cannabinoid label guarantees of hemp₂ and hemp-infused products, cannabis, and cannabis products as defined in 7 V.S.A. § 831;

(3) to test for pesticides, solvents, heavy metals, mycotoxins, and bacterial and fungal contaminants in hemp, ~~and hemp-infused products, cannabis, and cannabis products as defined in 7 V.S.A. § 831;~~ and

(4) to certify testing laboratories that can offer the services in subdivisions (2) and (3) of this ~~section~~ subsection.

(b) For purposes of this section, a laboratory operating under a dispensary registration pursuant to 18 V.S.A. chapter 86 that offers the services in subdivisions (2) and (3) of subsection (a) of this section on January 1, 2021 shall be deemed certified by the Agency.

(c) The cost of a test of a product produced at a registered dispensary and submitted to the Agency for the purpose of compliance testing to enforce the provisions of 18 V.S.A. chapter 86 shall be paid by the Department of Public Safety from the registration fee fund provided in 18 V.S.A. § 4474a.

Sec. 30. 18 V.S.A. § 4230a(a)(2)(A) is amended to read:

(2)(A) A person shall not consume ~~marijuana~~ cannabis in a public place. “Public place” ~~means any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation as defined in 9 V.S.A. § 4501, and any place where the use or possession of a lighted tobacco product, tobacco product, or tobacco substitute as defined in 7 V.S.A. § 1001 is prohibited by law~~ has the same meaning as provided by 7 V.S.A. § 831.

Sec. 31. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA CANNABIS

* * *

(b) Selling or dispensing.

(1) A person knowingly and unlawfully selling ~~marijuana~~ cannabis or hashish shall be imprisoned not more than two years or fined not more than \$10,000.00, or both.

(2) A person knowingly and unlawfully selling or dispensing more than one ounce of ~~marijuana~~ cannabis or five grams or more of hashish shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

(3) A person knowingly and unlawfully selling or dispensing one pound or more of ~~marijuana~~ cannabis or 2.8 ounces or more of hashish shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

(4) A person 21 years of age or older may dispense one ounce or less of cannabis or five grams or less of hashish to another person who is 21 years of age or older provided that the dispensing is not advertised or promoted to the public.

Sec. 32. STATUTORY REVISION AUTHORITY

When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Counsel 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.

* * * Effective Dates * * *

Sec. 33. EFFECTIVE DATES

(a) This section and Secs. 1 (Title 7 redesignation), 2 (cannabis chapter), 3 (implementation of the Cannabis Control Board), 4 (implementation of rulemaking by the Cannabis Control Board), 5 (Cannabis Control Board; fees), 6 (creation of Board positions), 6a (space allocation), 6b (appropriation), 7 (cannabis establishments chapter), 8 (implementation of licensing of cannabis establishments), 17d (annual budgeting of sales and use tax revenue), 19 (Substance Misuse Prevention Fund), 20 (Advanced Roadside Impaired Driving Enforcement training), 26 (permissive inference), 27 (drug recognition experts report), 28 (saliva testing device report), 29 (Agency of Agriculture, Food and Markets; testing), 30 (public place definition), 31 (cannabis dispensing), and 32 (statutory revision authority) shall take effect on passage.

(b) The following shall take effect June 1, 2021:

(1) In Sec. 9 (Medical Cannabis Registry chapter), 7 V.S.A. § 956 (rulemaking); and

(2) Sec. 12 (Medical Cannabis Dispensaries), 7 V.S.A. § 974 (rulemaking).

(c) Secs. 10 (implementation of Medical Cannabis Registry), 13 (implementation of medical cannabis dispensaries), 18 (income tax deduction), 18c (legislative intent), 21 (definition of evidentiary test), 22 (operating vehicle under the influence of alcohol or other substance), 23 (consent to taking of tests to determine blood alcohol content or presence of other drug), 24 (administration of tests), and 25 (independent testing of evidentiary sample) shall take effect January 1, 2022.

(d) Secs. 9 (Medical Cannabis Registry chapter), except for 7 V.S.A. § 956 (rulemaking); 11 (Repeal); 12 (Medical Cannabis Dispensaries), except for

7 V.S.A. § 974 (rulemaking); 14 (creation of excise tax); 14a (tax license disclosure); 15 (sales tax exemption); 16 (tax exemption); 17 (tax expenditure); 17a (meals and rooms tax); 17b (meals and rooms tax expenditure); and 17c (dedicated use of sales and use tax revenue) shall take effect March 1, 2022.

(e) Sec. 6d (Auditor of Accounts report) shall take effect on July 1, 2022.

(f) Secs. 18a (net income definition) and 18b (taxable income definition) shall take effect January 1, 2023

(g) Sec. 6e (repeal of Cannabis Control Board) shall take effect on January 1, 2024.

(h) Sec. 6c (contingent Cannabis Regulation Fund deficit offset) shall take effect on July 1, 2024.

*RICHARD W. SEARS
JEANETTE K. WHITE
JOSEPH C. BENNING*

Committee on the part of the Senate

*JOHN M. GANNON
ROBERT B. LACLAIR
JANET ANCEL*

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative on a roll call, Yeas 23, Nays 6.

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

Roll Call

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

Those Senators who voted in the negative were: Brock, Collamore, *McCormack, McNeil, Nitka, Starr.

The Senator absent and not voting was: Cummings.

*Senator McCormack explained his vote as follows:

“Mr. President, I vote no with regret, and with appreciation for the efforts of my colleagues. Systemic racism is not about racist animosity, nor is it about

racist superstition. Systemic racism is about de facto negative racial impacts of policies and practices in our system, policies and practices that may appear to those not affected to have nothing to do with race. Failure to address these racial impacts is a sin of omission, and an exercise in white privilege. When people of color tell white people in power that there's a problem, we should not declare that there is no problem simply because we don't see it. Some people of color say this bill has unintended de facto racial implications. As a privileged old white man I'm not prepared to declare them wrong.”

House Proposal of Amendment Concurred In

S. 234.

House proposal of amendment to Senate bill entitled:

An act relating to miscellaneous judiciary procedures.

Was taken up.

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

Sec. 1. 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~~ notice of Violation 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~~ 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 (affirm) 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 (or, "under the pains and penalties of perjury").

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. § 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. 14. 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. 15. 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. 16. 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. 17. 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. 18. 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. 19. 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. 20. 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. 21. 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. 22. 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. 23. 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. 24. REPEAL

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

Sec. 25. PERSONS WITH SUSPENDED DRIVER'S LICENSES;
REINSTATEMENT FEE WAIVER PROGRAM

(a) There is established the Reinstatement Fee Waiver Program to permit the Department of Motor Vehicles to waive all license reinstatement fees for motor vehicle operators whose licenses have been suspended under certain circumstances. The Reinstatement Fee Waiver Program shall comply with the guidelines set forth in this section.

(b) On or before April 30, 2021, the Department of Motor Vehicles shall:

(1) waive all license reinstatement fees for any person whose operator's license has been:

(A) suspended for noncriminal reasons for one year or longer and who has satisfied all other reinstatement conditions and requirements; or

(B) suspended prior to July 1, 2014 for failure to pay the amount due in a Judicial Bureau judgment and who has satisfied all other reinstatement conditions and requirements;

(2) reinstate the operator's licenses of each person whose reinstatement fees are waived pursuant to subdivision (b)(1) of this section; and

(3) notify each person whose reinstatement fees are waived pursuant to subdivision (b)(1) of this section that the person's license has been reinstated or that the person's license is ineligible for reinstatement and the reason for ineligibility.

(c) As used in this section:

(1) "Amount due" means the same as in 4 V.S.A. § 1109(a).

(2) "Reinstatement conditions and requirements" shall not include the amount due in a Judicial Bureau judgment.

(3) "Suspended for noncriminal reasons" shall not include a license that is under suspension on April 30, 2021 for the accumulation of 10 or more points.

Sec. 26. 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. 27. 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. § 1101(a)(27)(J) and 8 C.F.R. § 204.11) issued pursuant to 14 V.S.A. chapter 111, subchapter 14.

* * *

Sec. 28. 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. § 1101(a)(27)(J) and 8 C.F.R. § 204.11) issued pursuant to 14 V.S.A. chapter 111, subchapter 14.

Sec. 29. 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) 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. § 1101(a)(27)(J) and 8 C.F.R. § 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. § 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.

Sec. 30. 13 V.S.A. § 2821 is amended to read:

§ 2821. DEFINITIONS

As used in this chapter:

* * *

(3) "Performance" means:

(A) an event that is photographed, filmed, or visually recorded; or

(B) a play, dance, or other visual presentation or exhibition before an audience.

* * *

Sec. 31. EXPUNGEMENT OF MARIJUANA CRIMINAL HISTORY RECORDS

(a) As used in this section:

(1) "Court" means the Criminal Division of the Superior Court.

(2) "Criminal history record" means all information documenting an individual's contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(b) The court shall order the expungement of criminal history records of violations of 18 V.S.A. § 4230(a)(1) that occurred prior to January 1, 2021. The process for expunging these records shall be completed by the court and all entities subject to the order not later than January 1, 2022.

(c) Upon entry of an expungement order, the order shall be legally effective immediately and the person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. 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. The court shall issue the person a certificate stating that the offense for which the person was convicted has been decriminalized and therefore warrants issuance of the order and that its effect is to annul the record of arrest, conviction, and sentence. The court shall provide notice of the expungement to the person who is the subject of the record at the person's last known address, the Vermont Crime Information Center (VCIC), the arresting agency, and any other entity that may have a record related to the order to expunge. The VCIC shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

(d) On and after January 1, 2021, a person who was arrested or convicted of a violation of 18 V.S.A. § 4230(a)(1) prior to such date:

(1) shall not be required to acknowledge the existence of such a criminal history record or answer questions about the record in any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing;

(2) may deny the existence of the record regardless of whether the person has received notice from the court that an expungement order has been issued on the person's behalf; and

(3) may utilize the procedures in chapter 230 of Title 13 to seek expungement or sealing of the record prior to the court taking steps to issue an expungement order pursuant to this section.

(e) Nothing in this section shall affect any right of the person whose record has been expunged to rely on it as a bar to any subsequent proceedings for the same offense.

(f)(1) The court shall keep a special index of cases that have been expunged together with the expungement order and the certificate issued pursuant to this chapter. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Inspection of the expungement order and the certificate may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(4) All other court documents in a case that are subject to an expungement order shall be destroyed.

(5) The court shall follow policies adopted pursuant to 13 V.S.A. § 7606 in implementing this section.

(g) Upon receiving an inquiry from any person regarding an expunged record, an entity shall respond that "NO RECORD EXISTS."

Sec. 32. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

(1)(A) No person shall knowingly and unlawfully possess more than one ounce of marijuana or more than five grams of hashish or cultivate more than two mature marijuana plants or four immature marijuana plants. A person who violates this subdivision shall be assessed a civil penalty as follows:

(A) not more than \$100.00 for a first offense;

(B) not more than \$200.00 for a second offense; and

(C) not more than \$500.00 for a third or subsequent offense.

(2)(A) No person shall knowingly and unlawfully possess two ounces or more of marijuana or ten grams or more of hashish or more than three mature marijuana plants or six immature marijuana plants. For a first offense under this subdivision (A)(2), a 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 Court Diversion Program would not serve the ends of justice. A person convicted of a first offense under this subdivision shall be imprisoned not more than six months or fined not more than \$500.00, or both.

(B) A person convicted of a second or subsequent offense of knowingly and unlawfully possessing more than one ounce of marijuana or

~~more than five grams of hashish or cultivating more than two mature marijuana plants or four immature marijuana plants~~ violating subdivision (a)(2)(A) of this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(C) Upon an adjudication of guilt for a first or second offense under this subdivision, the court may defer sentencing as provided in 13 V.S.A. § 7041, except that the court may in its discretion defer sentence without the filing of a presentence investigation report and except that sentence may be imposed at any time within two years from and after the date of entry of deferment. The court may, prior to sentencing, order that the defendant submit to a drug assessment screening, which may be considered at sentencing in the same manner as a presentence report.

~~(2)(3)~~ A person knowingly and unlawfully possessing ~~two~~ eight ounces of marijuana or ~~10 grams~~ 1.4 ounces of hashish or knowingly and unlawfully cultivating more than four mature marijuana plants or eight immature marijuana plants shall be imprisoned not more than three years or fined not more than \$10,000.00, or both.

~~(3)(4)~~ A person knowingly and unlawfully possessing more than one pound of marijuana or more than 2.8 ounces of hashish or knowingly and unlawfully cultivating more than six mature marijuana plants or 12 immature marijuana plants shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.

~~(4)(5)~~ A person knowingly and unlawfully possessing more than 10 pounds of marijuana or more than one pound of hashish or knowingly and unlawfully cultivating more than 12 mature marijuana plants or 24 immature marijuana plants shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

~~(5)(6)~~ If a court fails to provide the defendant with notice of collateral consequences in accordance with 13 V.S.A. § 8005(b) and the defendant later at any time shows that the plea and conviction for a violation of this subsection may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral consequence shall not support a motion to vacate.

~~(6)(7)~~ The amounts of marijuana in this subsection shall not include marijuana cultivated, harvested, and stored in accordance with section 4230e of this title.

Sec. 33. 13 V.S.A. § 7601 is amended to read:

§ 7601. DEFINITIONS

As used in this chapter:

* * *

(4) “Qualifying crime” means:

* * *

(G) a violation of 18 V.S.A. § 4230(a) related to possession and cultivation of marijuana;

* * *

Sec. 34. EFFECTIVE DATES

This act shall take effect on July passage, except that Sec. 32 (marijuana penalties) shall take effect on January 1, 2021.

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

House Proposals of Amendment Concurred In with Amendment

S. 352.

House proposals of amendment to Senate bill entitled:

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

Were taken up.

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

First: In Sec. 3, 2020 Acts and Resolves No. 136, Sec. 14, by striking out subdivision (a)(1)(B) in its entirety and inserting in lieu thereof the following:

(B) a prospective workforce stabilization program for staff employed at family child care homes and center-based child care and preschool programs regulated by the Department for Children and Families for risks associated with elevated exposure to COVID-19;

Second: In Sec. 3, 2020 Acts and Resolves No. 136, Sec. 14, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

~~(b) Once the Department has determined how the appropriation set forth in this section shall be distributed, but not later than August 18, 2020, it shall report to the House Committees on Appropriations and on Human Services~~

~~and to the Senate Committees on Appropriations and on Health and Welfare regarding how the funds are to be distributed across programs~~ Appropriations made pursuant to subdivision (a)(1)(B) of this section shall not occur until all allowable expenses for the purposes set forth in subdivisions (a)(1)(A), (C), and (D) of this section are allocated.

Third: In Sec. 3, 2020 Acts and Resolves No. 136, Sec. 14, by striking out subdivision (a)(1)(B) in its entirety and inserting in lieu thereof the following:

(B) a prospective workforce stabilization program for staff employed at Department-regulated family child care homes, center-based child care and preschool programs, and afterschool programs that are not otherwise serving as school-age child care hubs for risks associated with elevated exposure to COVID-19;

Fourth: In Sec. 1, 2020 Act and Resolves No. 136, Sec. 6, in subdivision (b)(2)(A), by striking out subdivisions (xiv) and (xv) and inserting in lieu thereof subdivisions (xiv) through (xvi) to read as follows:

(xiv) a traveling nurse agency or other business whose employees provide temporary or contract nursing services to or on behalf of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided nursing services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) during the eligible period;

(xv) a cleaning or janitorial service that provides cleaning or janitorial services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) in locations that are open to the general public or regularly used by the residents or patients of that covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided cleaning or janitorial services to another covered employer during the eligible period; or

(xvi) a food service provider that prepares and provides meals for residents or patients of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided food services to the residents or patients of a covered employer during the eligible period.

Fifth: In Sec. 1, 2020 Acts and Resolves No. 136, Sec. 6, by striking out subdivision (b)(4)(A)(iv) in its entirety and inserting in lieu thereof a new subdivision (b)(4)(A)(iv) to read as follows:

(iv) except in the case of employees of home health agencies and nursing homes, earns employees of an employer described in subdivision (2)(A)(xiv) of this subsection (b) that provides nursing services to or on behalf of a home health agency or nursing home, and resident physicians and dentists employed by an employer described in subdivision (2)(A)(v), earned an hourly base wage of \$25.00 or less during the eligible period;

Sixth: In Sec. 1, 2020 Acts and Resolves No. 136, Sec. 6, by striking out subdivision (c)(3) in its entirety and inserting in lieu thereof a new subdivision (c)(3) to read as follows:

(3) An eligible employee may elect not to receive hazard pay funded by a grant provided pursuant to the Program by providing notice to his or her employer pursuant to procedures adopted by the employer.

Seventh: In Sec. 1, 2020 Acts and Resolves No. 136, Sec. 6, in subdivision (c)(7), in the first sentence, by striking out the word “may” and inserting in lieu thereof the word “shall”

Eighth: In Sec. 1, 2020 Acts and Resolves No. 136, Sec. 6, by striking out subdivision (j)(1)(B) and inserting in lieu thereof a new subdivision (j)(1)(B) to read as follows:

(B) The notice sent to each potentially eligible employee pursuant to this subdivision (1) shall inform the individual that he or she is not required to apply for a grant.

Ninth: In Sec. 2, hazard pay; identification of former employees, in the first sentence, following the words “shall send notice to the covered employer” by striking out the words “that it may identify” and inserting in lieu thereof the words “requesting that it identify”

Thereupon, pending the question, Shall the Senate concur in the House proposals of amendment?, Senator Kitchel moved that the Senate concur in the House proposals of amendment with an amendment as follows:

In Sec. 1, 2020 Acts and Resolves No. 136, Sec. 6, by striking out subdivision (b)(4)(A)(iv) in its entirety and inserting in lieu thereof a new subdivision (b)(4)(A)(iv) to read as follows:

(iv) except in the case of employees of home health agencies and nursing homes, earns and employees of an employer described in subdivision (2)(A)(xiv) of this subsection (b) that provides nursing services to or on behalf of a home health agency or nursing home, earned an hourly base wage of \$25.00 or less during the eligible period;

Which was agreed to.

Bill Passed in Concurrence with Proposal of Amendment**H. 673.**

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

An act relating to tree wardens.

Bill Passed in Concurrence with Proposal of Amendment**H. 833.**

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

An act relating to the interbasin transfer of surface waters.

Adjournment

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

Afternoon

The Senate was called to order by the President.

Roll Call

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

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

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

Governor's Veto Overridden

House Bill entitled:

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

Was taken up.

Thereupon, the pending question, Shall the bill pass, notwithstanding the refusal of the Governor to approve it?, was decided in the affirmative on a roll call required by the Vermont Constitution, Yeas 22, Nays 8. (the necessary *override* two-thirds vote *having* been attained).

Roll Call

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

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

Proposal of Amendment; Third Reading Ordered

H. 611.

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

An act relating to the Older Vermonters Act.

Reported recommending that the Senate propose to the House to amend the bill by adding a reader assistance heading and a new section to be numbered Sec. 7a to read as follows:

* * * Home Health Agency Service Planning * * *

Sec. 7a. 33 V.S.A. § 6303(b) is amended to read:

~~(b) Upon initial designation or redesignation under this subchapter, each designated home health agency shall prepare for the Commissioner's approval a local community services plan, describing the need for home health services within the agency's geographic service area and the methods by which the agency will provide those services. The plan shall include a schedule for the anticipated provision of new or additional services for the next four years and shall specify the resources which are needed by and available to the agency to implement the plan. The plan shall reflect public input from the residents of the agency's geographic service area. Designated home health agencies shall engage in planning and needs assessment processes as directed by State and federal law, which may include participating in the development of the Health Resource Allocation Plan published pursuant to 18 V.S.A. § 9405 and the community health needs assessment conducted in accordance with 26 U.S.C. § 501(r)(3).~~

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

Senator Sears, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Health and Welfare with the following amendments thereto:

First: In Sec. 3, Vermont Action Plan for Aging Well; development process; report, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) The Vermont Action Plan for Aging Well shall provide strategies and cultivate partnerships for implementation across sectors to promote aging with health, choice, and dignity in order to establish and maintain an age-friendly State for all Vermonters and shall include a review of the Medicaid reimbursement rates paid to home- and community-based service providers. The Action Plan shall also address the additional needs and concerns of older Vermonters and their families in the event of a public health crisis, natural disaster, or other widespread emergency situation in this State.

Second: By striking out Sec. 6, home- and community-based service provider rate study; inflation factor; report, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

Sec. 6. [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, and the recommendation of proposal of amendment of the Committee on Health and Welfare was amended as recommended by the Committee on Appropriations.

Thereupon, the proposal of amendment recommended by the Committee on Health and Welfare, 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. 352, H. 673, H. 833.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, September 23, 2020.

WEDNESDAY, SEPTEMBER 23, 2020

The Senate was called to order by the President.

Devotional Exercises

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

After delivery of the devotions, on motion of Senator Clarkson the remarks made by Senator Ingram during her presentation of Devotional Exercises were entered in the Journal, and are as follows:

“Mr. President:

52-year old retired Air Force colonel Jason Denney, working as a defense contractor in Orlando, was in the first wave of people who contracted COVID in March. After a business trip to Cincinnati, he started running a 103-degree fever and spent a week at home managing fever spikes and crushing body aches. His wife drove him to the hospital on March 23 and he was immediately put into isolation, not even getting the chance to say goodbye to his wife.

On March 27th, Col. Denney said farewell via FaceTime to his family, having just had what he believed was his final visit from his parish priest. The

day before, he learned that his 16-year old son had tested positive for COVID, too, and Col. Denney was not only struggling to breathe, he was wracked with guilt that he had given his son the disease as well.

Hours after the priest left, hospital housekeeper Rosaura Quinteros, wearing a mask, gown, and gloves, went into Col. Denney's room to clean it. The immigrant from Guatemala recalls, "He seemed very fragile, and it broke my heart." She approached his bedside and told him, "you have a great medical staff. But ultimately the person who has the last word is God. Put your faith and hope in God."

Every day for the next few days, Ms. Quinteros shared the same refrain with Col. Denney, and on the fifth day he was well enough to be discharged from the hospital. As he was leaving, he commented, "She showed up at just the right time. God places us in people's lives for a reason."

Since then, the two have stayed in touch via text and hope to introduce their families when the pandemic is over. "This is such a sad disease – you're all alone," says Col. Denney. "But people like Rosie are the unsung heroes."

The Vermont General Assembly has spent an extraordinary amount of time this session passing emergency legislation to meet the needs brought on by the pandemic. We have sought to help frontline workers with proper protection and hazard pay, and we have provided financial resources to struggling businesses and the unemployed. We have set up parameters for child care and school for families with young children. We have neglected our own families as we've put in countless hours trying to be worthy of the Vermonters, the Americans, the human beings, who have helped each other and shown caring and love even to total strangers.

I know we all feel what an honor it is to serve all these special people, these unsung heroes. As we finish these last days and hours, let us keep them in the forefront of our minds and take courage and inspiration from them during this historic time."

Message from the House No. 84

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

Mr. President:

I am directed to inform the Senate that:

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

S. 24. An act relating to naming the Courthouse located at 9 Merchants Row in Rutland.

S. 27. An act relating to maintaining the home health agency provider tax.

S. 119. An act relating to a statewide use of deadly force policy for law enforcement.

S. 124. An act relating to governmental structures protecting the public health, safety and welfare.

S. 237. An act relating to promoting affordable housing.

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

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

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

And has severally concurred therein with further amendments in the passage of which the concurrence of the Senate is requested.

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

H. 969. An act relating to making appropriations for the support of government.

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

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

Rep. Toll of Danville
Rep. Hooper of Montpelier
Rep. Fagan of Rutland City

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 |

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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 |

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 twenty-third day of September he approved and signed bills originating in the Senate of the following titles:

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

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

Committee of Conference Appointed**H. 969.**

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

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

Senator Kitchel
Senator Ashe
Senator Westman

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

House Proposal of Amendment Concurred In**S. 187.**

House proposal of amendment to Senate bill entitled:

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

Was taken up.

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

In Sec. 2 by striking out the following: “July 1, 2020” and inserting in lieu thereof the following: passage

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

Bill Passed in Concurrence with Proposal of Amendment**H. 611.**

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

An act relating to the Older Vermonters Act.

Rules Suspended; Bill Messaged

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

H. 611.**Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, September 24, 2020.

THURSDAY, SEPTEMBER 24, 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. 85

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

Mr. President:

I am directed to inform the Senate that:

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

H. 795. An act relating to increasing hospital price transparency, hospital sustainability planning, provider sustainability and reimbursements, and regulators' access to information.

And has severally concurred therein.

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 |
| 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 |

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

Third Reading Ordered

H. 99.

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

An act relating to trade in covered animal parts or products.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43.

Thereupon, pending the question, Shall the bill be read third time?, Senator Brock moved that the Senate propose to the House to amend the bill as follows in Sec. 1, 10 V.S.A. part 4, chapter 124:

First: In section 5501, definitions, in subdivision (2), by striking out subdivisions (H) (mammoth) and (I) (mastodon) in their entireties and by relettering the remaining subdivisions of subdivision (2) to be alphabetically correct.

Second: In section 5503, exceptions, by striking out subdivision (a)(3) in its entirety and inserting in lieu thereof the following:

(3) to any article that satisfies the antique exemption under 16 U.S.C. § 1539 of the Endangered Species Act or for which the article meets all of the following criteria:

(A) is not less than 100 years of age;

(B) is composed in whole or in part of a covered animal;

(C) has not been repaired or modified with any covered animal part or product of the species on or after December 28, 1973; and

(D) was legally imported and acquired;

and by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b) Documentation evidencing reasonable provenance of or the age of a covered animal part or product that may be purchased, sold, offered for sale, or possessed under subsection (a) of this section may include receipts of purchase, invoices, bills of sale, prior appraisals, auction catalogues, museum or art gallery exhibit catalogues, written and sworn statements of qualified experts or appraisers, and scientific tests that determine the age or composition of an object, including carbon dating, genetic testing, spectrographic analysis, or other scientifically accepted methods. An expert providing a statement under this subsection shall demonstrate his or her qualification to issue statements for the provenance of or age of a covered animal part through education, training, professional certification, or documented experience. The issuance of a false or fraudulent statement of the age or provenance of a covered animal part or product shall be subject to penalty under section 5506 of this title.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as proposed by Senator Brock?, Senator Rodgers moved to commit the bill to the Committee on Natural Resources and Energy, which was disagreed to on a roll call, Yeas 6, Nays 24.

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: Benning, Brock, Collamore, McNeil, Parent, Rodgers.

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

Thereupon, the pending question, Shall the Senate propose to the House to amend the bill as recommended by Senator Brock?, was disagreed to on a roll call, Yeas 10, Nays 20.

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

Roll Call

Those Senators who voted in the affirmative were: Benning, Brock, Collamore, Cummings, McNeil, Parent, Rodgers, Sears, Starr, White.

Those Senators who voted in the negative were: Ashe, Balint, Baruth, Bray, Campion, Clarkson, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Perchlik, Pollina, Sirotkin, Westman.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 25, Nays 5.

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

Roll Call

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

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

*Senator Brock explained his vote as follows:

“I strongly support the effort to protect the world’s most endangered species. But sadly, this fatally-flawed bill fails to properly balance the purely theoretical benefit against the very real harm it does to individual Vermonters. Section 2 of the Vermont Constitution provides that “private property ought to be subservient to public uses when necessity requires it, nevertheless, whenever any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.” In this body, each of us took an oath not to assent to any bill that would be injurious to the people or that would abridge their Constitutional rights. This bill, by government fiat, expropriates the value of antiques and other property owned by Vermonters. From heirloom chess sets to scrimshaw collections, valuable items owned by Vermonters are rendered worthless and despite passionate claims by advocates, no evidence has been presented to us that these draconian restrictions on century old antiques has had or will have any impact whatsoever on the protection of endangered species.”

*Senator Rodgers explained his vote as follows:

“I hope the proponents of this bill are right and it makes a positive difference. It seems like colonialism to me.”

Proposal of Amendment; Third Reading Ordered

H. 607.

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

An act relating to increasing the supply of nurses and primary care providers in Vermont.

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

First: In Sec. 1, 18 V.S.A. § 9491, in subdivision (b)(1)(F), following the semicolon, by striking out the word “and”, by inserting two new subdivisions to be subdivisions (G) and (H) to read as follows:

(G) one representative of naturopathic physicians;

(H) one representative of home health agencies; and

And by redesignating the existing subdivision (G) to be subdivision (I)

Second: By striking out Sec. 8, effective date, in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. EFFECTIVE DATE

This act shall take effect on November 1, 2020.

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

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

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 9491 is amended to read:

§ 9491. HEALTH CARE WORKFORCE; STRATEGIC PLAN

(a) The Director of Health Care Reform in the Agency of Human Services shall ~~oversee the development of~~ maintain a current health care workforce development strategic plan that continues efforts to ensure that Vermont has the health care workforce necessary to provide care to all Vermont residents. ~~The Director of Health Care Reform may designate an entity responsible for~~

~~convening meetings and for preparing the draft strategic plan. The Green Mountain Care Board established in chapter 220 of this title shall review the draft strategic plan and shall approve the final plan and any subsequent modifications.~~

~~(b)(1) The In maintaining the strategic plan, the Director or designee shall collaborate with the area health education centers, the State Workforce Development Board established in 10 V.S.A. § 541a, the Prekindergarten-16 Council established in 16 V.S.A. § 2905, the Department of Labor, the Department of Health, the Department of Vermont Health Access, and other interested parties to develop and maintain the plan consult with an advisory group composed of the following 11 members, at least one of whom shall be a nurse, to develop and maintain the strategic plan:~~

~~(A) one representative of the Green Mountain Care Board's primary care advisory group;~~

~~(B) one representative of the Vermont State Colleges;~~

~~(C) one representative of the Area Health Education Centers' workforce initiative;~~

~~(D) one representative of federally qualified health centers;~~

~~(E) one representative of Vermont hospitals;~~

~~(F) one representative of physicians;~~

~~(G) one representative of mental health professionals;~~

~~(H) one representative of dentists;~~

~~(I) one representative of naturopathic physicians;~~

~~(J) one representative of home health agencies; and~~

~~(K) one representative of long-term care facilities.~~

~~(2) The Director or designee shall serve as the chair of the advisory group.~~

~~(c) The Director of Health Care Reform shall ensure that the strategic plan includes recommendations on how to develop Vermont's health care workforce, including:~~

~~(1) the current capacity and capacity issues of the health care workforce and delivery system in Vermont, including the shortages of health care professionals, specialty practice areas that regularly face shortages of qualified health care professionals, issues with geographic access to services, and unmet health care needs of Vermonters;~~

(2) ~~the resources needed to ensure that:~~

~~(A) the health care workforce and the delivery system are able to provide sufficient access to services given demographic factors in the population and in the workforce, as well as other factors;~~

~~(B) the health care workforce and the delivery system are able to participate fully in health care reform initiatives, including establishing a medical home for all Vermont residents through the Blueprint for Health pursuant to chapter 13 of this title and transitioning to electronic medical records; and~~

~~(C) all Vermont residents have 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;~~

~~(3) how State government, universities and colleges, the State's educational system, entities providing education and training programs related to the health care workforce, and others may develop the resources in the health care workforce and delivery system to educate, recruit, and retain health care professionals to achieve Vermont's health care reform principles and purposes; and~~

~~(4) reviewing data on the extent to which individual health care professionals begin and cease to practice in their applicable fields in Vermont;~~

~~(5) identifying factors which either hinder or assist in recruitment or retention of health care professionals, including an examination of the processes for prior authorizations, and making recommendations for further improving recruitment and retention efforts;~~

~~(6)(3) assessing the availability of State and federal funds for health care workforce development.~~

~~(e) Beginning January 15, 2013, the Director or designee shall provide the strategic plan approved by the Green Mountain Care Board to the General Assembly and shall provide periodic updates on modifications as necessary.~~

Sec. 2. HEALTH CARE WORKFORCE STRATEGIC PLAN; REPORT

(a) The Director of Health Care Reform, in connection with the advisory group established pursuant to 18 V.S.A. § 9491(b) in Sec. 1 of this act, shall update the health care workforce strategic plan as set forth in 18 V.S.A. § 9491 and shall submit a draft of the plan to the Green Mountain Care Board for its review and approval on or before July 1, 2021. The Board shall review and approve the plan within 30 days following receipt.

(b) On or before August 15, 2021, the Director shall provide the updated health care workforce strategic plan to the House Committees on Appropriations, on Health Care, and on Commerce and Economic Development and the Senate Committees on Appropriations, on Health and Welfare, and on Economic Development, Housing and General Affairs.

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

§ 33. MEDICAL STUDENTS; PRIMARY CARE

(a) The Department of Health, in collaboration with the Office of Primary Care and Area Health Education Centers Program at the University of Vermont College of Medicine (AHEC), shall establish a primary care physician scholarship program. The scholarships shall cover the medical school tuition for up to five third-year and up to five fourth-year medical students annually who commit to practicing primary care in a rural area of this State or in a Vermont federally qualified health center's service area, in a setting or practice not owned by an academic medical center. For each academic year of tuition covered by the scholarship, the recipient shall incur an obligation of two years of full-time service or four years of half-time service. Students receiving a scholarship for their third year of medical school shall be eligible to receive another scholarship for their fourth year of medical school. The amount of each scholarship shall be set at the in-state tuition rate less any other State or federal educational grant assistance the student receives for the same academic year.

(b) Approved specialties shall be all of the specialties recognized by the National Health Service Corps at the time of the scholarship award, which may include family medicine, internal medicine, pediatrics, obstetrics-gynecology, and psychiatry.

(c) A scholarship recipient who does not fulfill the commitment to practice primary care in accordance with the terms of the award shall be liable for repayment of the full amount of the scholarship, plus interest calculated in accordance with the formula determined by the National Health Service Corps for failure to complete a service obligation under that program.

Sec. 4. PRIMARY CARE PHYSICIAN SCHOLARSHIP PROGRAM;
APPROPRIATION

(a) The sum of \$608,419.00 in Global Commitment investment funds is appropriated to the Department of Health in fiscal year 2021 for scholarships for medical students who commit to practicing primary care in this State in accordance with 18 V.S.A. § 33.

(b)(1) The Secretary of Human Services, in consultation with the Department of Health, the University of Vermont College of Medicine, and the

advisory group established in 18 V.S.A. § 9491(b), shall identify funding sources from existing State budget allocations or new revenue sources to provide the State match in future fiscal years for scholarship funds to expand Vermont's primary care physician workforce to ensure that Vermonters have access to necessary health care services, preferably in their own communities.

(2) On or before March 1, 2021, the Secretary shall report to the House Committees on Appropriations and on Health Care and the Senate Committees on Appropriations and on Health and Welfare the funding sources identified for the ongoing State match for the primary care physician scholarship program.

Sec. 5. EDUCATIONAL ASSISTANCE; NURSING STUDENTS;
APPROPRIATION

(a) The sum of \$1,035,957.00 in Global Commitment investment funds is appropriated to the Department of Health for additional scholarships for nursing students pursuant to the program established in 18 V.S.A. § 31, as redesignated by Sec. 7 of this act, and administered by the Vermont Student Assistance Corporation.

(b)(1) First priority for the scholarship funds shall be given to students pursuing a practical nursing certificate who will be eligible to sit for the NCLEX-PN examination upon completion of the certificate.

(2) Second priority for the scholarship funds shall be given to students pursuing an associate's degree in nursing who will be eligible to sit for the NCLEX-RN examination upon graduation.

(3) Third priority for the scholarship funds shall be given to students pursuing a bachelor of science degree in nursing.

(c) To be eligible for a scholarship under this section, applicants shall:

(1) demonstrate financial need;

(2) demonstrate academic capacity by carrying at least a 2.5 grade point average in their course of study prior to receiving the fund award; and

(3) agree to work as a nurse in Vermont for a minimum of one year following licensure for each year of scholarship awarded.

(d) Students attending an accredited postsecondary educational institution in Vermont shall receive first preference for scholarships.

(e) There shall be no deadline to apply for a scholarship under this section. Scholarships shall be awarded on a rolling basis as long as funds are available, and any funds remaining at the end of fiscal year 2021 shall roll over and shall

be available to the Department of Health in fiscal year 2022 for additional scholarships as described in this section.

(f) The Director of Health Care Reform in the Agency of Human Services, in consultation with the Department of Health, the Agency of Commerce and Community Development, and the advisory group established in 18 V.S.A. § 9491(b), shall identify the primary causes of Vermont's nursing workforce shortage and shall propose solutions to address those causes. On or before March 1, 2021, the Director of Health Care Reform shall submit his or her findings and recommendations to the House Committees on Appropriations and on Health Care and the Senate Committees on Appropriations and on Health and Welfare, including:

(1) an assessment of the existing nursing career ladders at health care facilities in this State and their relationships with programs at Vermont's institutions of higher education;

(2) other states' successful strategies for expanding their nursing workforces; and

(3) in the event that inadequate scholarship funding is identified as a barrier to expanding Vermont's nursing workforce, proposals for existing State budget allocations or new revenue sources that can be used for nursing scholarships to ensure that Vermonters have access to necessary health care services, preferably in their own communities.

Sec. 5a. SCHOLARSHIP FUNDING; STATE MATCH; APPROPRIATION

The sum of \$750,000.00 is appropriated from the General Fund to the Agency of Human Services in fiscal year 2021 to provide the State match for the scholarship funds appropriated in Secs. 4 (primary care physician scholarship program; appropriation) and 5 (educational assistance; nursing students; appropriation) of this act.

Sec. 5b. VERMONT TRAINING PROGRAM; REVERSION

In fiscal year 2021, \$200,000.00 of the funds appropriated to the Department of Economic Development for the Vermont Training Program shall revert to the General Fund.

Sec. 6. 18 V.S.A. chapter 1 is amended to read:

CHAPTER 1. DEPARTMENT OF HEALTH; GENERAL PROVISIONS

Subchapter 1. General Provisions

§ 1. GENERAL POWERS OF DEPARTMENT OF HEALTH

* * *

Subchapter 2. Health Care Professions; Educational Assistance

* * *

Sec. 7. REDESIGNATIONS

(a) 18 V.S.A. § 10 (educational assistance; incentives; nurses) is redesignated to be 18 V.S.A. § 31 in 18 V.S.A. chapter 1, subchapter 2.

(b) 18 V.S.A. § 10a (loan repayment for health care providers and Health Care Educational Loan Repayment Fund) is redesignated to be 18 V.S.A. § 32 in 18 V.S.A. chapter 1, subchapter 2.

Sec. 7a. SUNSET

18 V.S.A. § 33 (medical students; primary care) is repealed on July 1, 2022.

Sec. 8. EFFECTIVE DATE

This act shall take effect on November 1, 2020.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of proposal of amendment of the Committee on Health and Welfare was amended as recommended by the Committee on Appropriations.

Thereupon, the proposal of amendment recommended by the Committee on Health and Welfare, as amended, was agreed to and third reading of the bill was ordered.

Third Reading Ordered**H. 952.**

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

An act relating to approval of amendments to the charter of the City of Burlington.

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.

House Proposal of Amendment Concurred In with Amendment**S. 119.**

House proposal of amendment to Senate bill entitled:

An act relating to a statewide use of deadly force policy for law enforcement.

Was taken up.

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

Sec. 1. 20 V.S.A. § 2368 is added to read:

§ 2368. STANDARDS FOR LAW ENFORCEMENT USE OF FORCE

(a) Definitions. As used in this section:

(1) “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury.

(2) “Force” means the physical coercion employed by a law enforcement officer to compel a person’s compliance with the officer’s instructions.

(3) “Imminent threat of death or serious bodily injury” means when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the law enforcement officer or another person. An imminent threat is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be immediately addressed and confronted.

(4) “Law enforcement officer” shall have the same meaning as in 20 V.S.A. § 2351a.

(5) “Prohibited restraint” means the use of any maneuver on a person that applies pressure to the neck, throat, windpipe, or carotid artery that may prevent or hinder breathing, reduce intake of air, or impede the flow of blood or oxygen to the brain.

(6) “Totality of the circumstances” means the conduct and decisions of the law enforcement officer leading up to the use of force and all facts known to the law enforcement officer at the time.

(b) Use of force.

(1) The authority of law enforcement to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. Every person has a right to be free from excessive use of force by officers acting under authority of the State.

(2) A law enforcement officer shall use only the force objectively reasonable, necessary, and proportional to effect an arrest, to prevent escape, or to overcome resistance of a person the officer has reasonable cause to believe has committed a crime or to achieve any other lawful law enforcement objective.

(3) The decision by a law enforcement officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by law enforcement officers, in order to ensure that officers use force consistent with law and with agency policies.

(4) Whether the decision by a law enforcement officer to use force was objectively reasonable shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances. A law enforcement officer's failure to use feasible and reasonable alternatives to force shall be a consideration for whether its use was objectively reasonable.

(5) When a law enforcement officer knows that a subject's conduct is the result of a medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug or alcohol impairment, or other factor beyond the subject's control, the officer shall take that information into account in determining the amount of force appropriate to use on the subject, if any.

(6) A law enforcement officer who makes or attempts to make an arrest need not retreat or desist from his or her efforts by reason of the resistance or threatened resistance of the person being arrested. A law enforcement officer shall not be deemed an aggressor or lose the right to self-defense by the use of proportional force if necessary in compliance with subdivision (b)(2) of this section to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, "retreat" does not mean tactical repositioning or other de-escalation tactics.

(c) Use of deadly force.

(1) A law enforcement officer is justified in using deadly force upon another person only when, based on the totality of the circumstances, such force is objectively reasonable and necessary to:

(A) defend against an imminent threat of death or serious bodily injury to the officer or to another person; or

(B) apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

(2) The use of deadly force is necessary when, given the totality of the circumstances, an objectively reasonable law enforcement officer in the same situation would conclude that there was no reasonable alternative to the use of deadly force that would prevent death or serious bodily injury to the officer or to another person.

(3) A law enforcement officer shall cease the use of deadly force as soon as the subject is under the officer's control or no longer poses an imminent threat of death or serious bodily injury to the officer or to another person.

(4) A law enforcement officer shall not use deadly force against a person based on the danger that person poses to himself or herself, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the law enforcement officer or to another person.

(5) When feasible, a law enforcement officer shall, prior to the use of force, make reasonable efforts to identify himself or herself as a law enforcement officer and to warn that deadly force may be used.

(6) A law enforcement officer has a duty to intervene when the officer observes another officer using a prohibited restraint on a person.

Sec. 2. 13 V.S.A. § 2305 is amended to read:

§ 2305. JUSTIFIABLE HOMICIDE

If a person kills or wounds another under any of the circumstances enumerated below, he or she shall be guiltless:

(1) in the just and necessary defense of ~~his or her~~ the person's own life or the life of ~~his or her husband, wife~~ the person's spouse, parent, child, ~~brother, sister, master, mistress, servant~~ sibling, guardian, or ward; or

(2) in the forceful or violent suppression of a person attempting to commit murder, sexual assault, aggravated sexual assault, burglary, or robbery; ~~with force or violence~~; or

(3) in the case of a ~~civil officer; or a military officer or private soldier~~ when lawfully called out to suppress riot or rebellion, or to prevent or suppress invasion, or to assist in serving legal process, in suppressing opposition against him or her in the just and necessary discharge of his or her duty law enforcement officer as defined in 20 V.S.A. § 2351(a) using force in compliance with 20 V.S.A. § 2368(b)(2), (4), and (5) or deadly force in compliance with 20 V.S.A. § 2368(c)(1)–(4).

Sec. 3. 2020 Acts and Resolves No. 147, Sec. 9 is amended to read:

Sec. 9. REPEALS

(a) ~~13 V.S.A. § 1032 (law enforcement use of prohibited restraint) is repealed on July 1, 2021. [Repealed.]~~

(b) ~~13 V.S.A. § 2305(3) (justifiable homicide) is repealed on July 1, 2021. [Repealed.]~~

Sec. 4. DEPARTMENT OF PUBLIC SAFETY; REPORT ON MODEL STATEWIDE POLICY FOR LAW ENFORCEMENT USE OF FORCE

On or before February 2, 2021, the Department of Public Safety and the Executive Director of Racial Equity shall report to the House and Senate Committees on Judiciary and on Government Operations regarding the development of a uniform statewide model policy on the use of force for all law enforcement agencies and officers as directed by Executive Order No. 03-20 (Governor's Public Safety Reform Initiative). The report shall include:

(1) the process undertaken by the Department, including a list of the community representatives and other stakeholders that were included in the development of the policy, the number of times the stakeholders met, and any opportunities given for public comment and the participation in and outcome of that public comment; and

(2) the final proposed policy.

Sec. 4a. 20 V.S.A. § 2358 subsection (f) is added to read:

(f) The Council shall not offer or approve any training on the use of a prohibited restraint as defined in section 2401 of this chapter, except for training designed to identify and prevent the use of prohibited restraints.

Sec. 5. EFFECTIVE DATES

(a) Sec. 1 (standards for law enforcement use of force) and Sec. 2 (justifiable homicide) shall take effect on January 1, 2021.

(b) The remainder of this act shall take effect on passage.

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

An act relating to a statewide standard and policy for law enforcement use of force.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senators Sears, Baruth and Benning moved that the Senate concur in the House proposal of amendment with an amendment as follows:

In Sec. 5, effective dates, in subsection (a), by striking out the word “January” and inserting in lieu thereof the word July

Which was agreed to.

House Proposal of Amendment Concurred In

S. 124.

House proposal of amendment to Senate bill entitled:

An act relating to governmental structures protecting the public health, safety and welfare.

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:

* * * Vermont Criminal Justice Council * * *

Sec. 1. 20 V.S.A. chapter 151 is redesignated to read:

CHAPTER 151. VERMONT CRIMINAL JUSTICE ~~TRAINING~~ COUNCIL

Sec. 2. VERMONT CRIMINAL JUSTICE COUNCIL; PURPOSE;
CONFORMING REVISIONS

(a) In order to fully reflect all of its powers and duties, which relate to training, certifying, and professionally regulating law enforcement officers, the Vermont Criminal Justice Training Council is renamed the Vermont Criminal Justice Council.

(b) When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Counsel shall replace “Vermont Criminal Justice Training Council” with “Vermont Criminal Justice Council,” provided that those revisions have no other effect on the meaning of the affected statutes.

Sec. 3. 20 V.S.A. § 2351 is amended to read:

§ 2351. CREATION AND PURPOSE OF COUNCIL

(a) In order to promote and protect the health, safety, and welfare of the public, it is in the public interest to provide for the creation of the Vermont Criminal Justice ~~Training~~ Council.

(b) The Council is created to:

(1) encourage and assist municipalities, counties, and governmental agencies of this State in their efforts to improve the quality of law enforcement and citizen protection by maintaining a uniform standard of ~~recruitment~~ basic training for law enforcement applicants and in-service training for law enforcement officers; and

(2) maintain statewide standards of law enforcement officer professional conduct by accepting and tracking complaints alleging officer unprofessional conduct, adjudicating charges of unprofessional conduct, and imposing sanctions on the certification of an officer who the Council finds has committed unprofessional conduct.

(c) The Council shall offer and approve continuing programs of instruction in up-to-date methods of law enforcement and the administration of criminal justice.

(d) It is the responsibility of the Council to encourage the participation of local governmental units in the program and to aid in the establishment of adequate training facilities.

Sec. 4. 20 V.S.A. § 2352 is amended to read:

§ 2352. COUNCIL MEMBERSHIP

(a)(1) The Vermont Criminal Justice ~~Training~~ Council shall consist of:

(A) the Commissioners of Public Safety, of Corrections, of Motor Vehicles, ~~and of Fish and Wildlife, and of Mental Health;~~

(B) the Attorney General;

(C) the Executive Director of the Department of State's Attorneys and Sheriffs;

(D) the Executive Director of Racial Equity;

(E) a member of the Vermont Troopers' Association or its successor entity, elected by its membership;

~~(D)(F)~~ a member of the Vermont Police Association, elected by its membership; ~~and~~

~~(E)(G) five additional members appointed by the Governor.~~

~~(i) The Governor's appointees shall provide broad representation of all aspects of law enforcement and the public in Vermont on the Council.~~

~~(ii) The Governor shall solicit recommendations for appointment from the Vermont State's Attorneys Association, the Vermont State's Sheriffs Association, the Vermont Police Chiefs Association, and the Vermont Constables Association~~ a member of the Chiefs of Police Association of Vermont, appointed by the President of the Association;

(H) a member of the Vermont Sheriffs' Association, appointed by the President of the Association;

(I) a law enforcement officer, appointed by the President of the Vermont State Employees Association;

(J) an employee of the Vermont League of Cities and Towns, appointed by the Executive Director of the League;

(K) an individual appointed by the Executive Director of the Center for Crime Victim Services;

(L) an individual appointed by the Executive Director of the Human Rights Commission;

(M) an individual appointed by the Executive Director of the Vermont Network Against Domestic and Sexual Violence; and

(N) seven public members, appointed by the Governor, who shall not be law enforcement officers or have a spouse, parent, child, or sibling who is a law enforcement officer, current legislators, or otherwise be employed in the criminal justice system.

(i) At least one of these members shall be a mental health crisis worker.

(ii) At least one of these members shall be an individual with a lived experience of a mental health condition or psychiatric disability.

(iii) At least two of these members shall be chosen from among persons nominated by the Vermont chapters of the NAACP, and each of these members shall represent a different Vermont NAACP chapter. In order to assist the Governor in making these appointments, each Vermont chapter of the NAACP shall nominate at least three individuals for these gubernatorial appointments.

(2) A member's term shall be three years.

(3) The Governor shall appoint the Chair of the Council from among the members set forth in subdivisions (1)(D) and (K)–(N) of this subsection.

* * *

(c) The members of the Council shall be entitled to receive no per diem compensation for their services but shall be allowed their actual and necessary and reimbursement of expenses incurred in the performance of their duties as permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.

* * *

Sec. 5. TRANSITIONAL PROVISION TO ADDRESS NEW COUNCIL MEMBERSHIP

(a) Any existing member of the Vermont Criminal Justice Council who will

serve on the Council under its new membership as set forth in Sec. 4 of this act may serve the remainder of his or her term in effect immediately prior to the effective date of Sec. 4.

(b) The new membership of the Council shall be appointed on or before December 1, 2020.

Sec. 6. 20 V.S.A. § 2355 is amended to read:

§ 2355. COUNCIL POWERS AND DUTIES

(a) The Council shall adopt rules with respect to:

(1) the approval, or revocation thereof, of law enforcement officer training schools and off-site training programs, which shall include rules to identify and implement alternate routes to certification aside from the training provided at the Vermont Police Academy;

* * *

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

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

* * *

Sec. 7. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

* * *

(b) The Council shall offer or approve basic training and annual in-service training for each of the following three levels of law enforcement officer certification in accordance with the scope of practice for each level, and shall determine by rule the scope of practice for each level in accordance with the provisions of this section:

(1) Level I certification.

* * *

(2) Level II certification.

* * *

(3) Level III certification.

* * *

(c)(1) All programs required by this section shall be approved by the Council.

(2) The Council shall structure its programs so that on and after July 1, 2021, a Level II certified officer may use portfolio experiential learning or College Level Examination Program (CLEP) testing in order to transition to Level III certification, without such an officer needing to restart the certification process.

(3) Completion of a program shall be established by a certificate to that effect signed by the Executive Director of the Council.

* * *

Sec. 8. COUNCIL; REPORT ON CHANGES IN TRAINING OPTIONS;
RULE ADOPTION DEADLINE

(a) Report. On or before January 15, 2021, the Executive Director of the Vermont Criminal Justice Council shall provide a verbal progress report to the Senate and House Committees on Government Operations regarding the Council's:

(1) plan to replace some of its overnight law enforcement training requirements at the Robert H. Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont (the Police Academy), including its 16-week residential basic training, with nonovernight training and training in other areas of the State, in accordance with 20 V.S.A. § 2355(b)(1) in Sec. 6 of this act, and shall specifically address any plans it has to offer training by remote means; and

(2) changes in the structure of its programs to enable a law enforcement officer to transition from Level II to Level III certification as required by 20 V.S.A. § 2358(c)(2) in Sec. 7 of this act.

(b) Rules. On or before July 1, 2023, the Council shall finally adopt the rules regarding alternate routes to certification required by 20 V.S.A. § 2355(a)(1) in Sec. 6 of this act, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

Sec. 8a. COUNCIL; REPORT ON RESOURCES NEEDED TO OPERATE

On or before January 15, 2021, the Executive Director of the Vermont Criminal Justice Council shall report to the House and Senate Committees on Appropriations and on Government Operations specifying the resources the Council needs to fully operate as set forth in law, including the resources it

needs to implement the provisions of this act. The Executive Director shall specifically detail in this report any additional appropriations or positions it needs to fully operate and provide a narrative to explain the basis for those needs.

Sec. 9. 20 V.S.A. § 2359 is added to read:

§ 2359. COUNCIL SERVICES CONTINGENT ON AGENCY COMPLIANCE

(a) On and after January 1, 2022, a law enforcement agency shall be prohibited from having its law enforcement applicants or officers trained by the Police Academy or from otherwise using the services of the Council if the agency is not in compliance with the requirements for collecting roadside stop data under section 2366 of this chapter, the requirement to report to the Office of Attorney General death or serious bodily injuries under 18 V.S.A. § 7257a(b), or the requirement to adopt, follow, or enforce any policy required under this chapter.

(b) The Council shall adopt procedures to enforce the requirements of this section, which may allow for waivers for agencies under a plan to obtain compliance with this section.

Sec. 10. 20 V.S.A. § 2361 is amended to read:

§ 2361. ADDITIONAL TRAINING

(a) Nothing in this chapter prohibits any State law enforcement agency, department, or office or any municipality or county of the State from providing additional training beyond basic training to its personnel where no certification is requested of or required by the Council or its Executive Director.

(b) The head of a State agency, department, or office, a municipality's chief of police, or a sheriff executive officer of a law enforcement agency may seek certification from the Council for any in-service training he or she, or his or her designee may provide to his or her employees law enforcement officers of his or her agency or of another agency, or both.

Sec. 11. 20 V.S.A. § 2362a is amended to read:

§ 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT CURRENT OR FORMER AGENCY

(a)(1) Prior to hiring a law enforcement officer who is no longer employed at his or her last law enforcement agency, the executive officer of a potential hiring law enforcement agency shall:

(A) require that officer to execute a written waiver that explicitly authorizes the officer's:

(i) current law enforcement agency employer to disclose its analysis of the officer's performance at that agency, if the officer is still employed at that agency; or

(ii) last law enforcement agency employer to disclose the reason that officer is no longer employed by that agency, if the officer is not currently employed at an agency; and

(B) contact that former agency to determine that reason obtain that disclosure and provide to that agency a copy of that written waiver.

(2) An officer who refuses to execute the written waiver shall not be hired by the potential hiring agency.

(b)(1)(A) If that current or former agency is a law enforcement agency in this State, the executive officer of that current or former agency or designee shall disclose to the potential hiring agency in writing its analysis of the officer's performance at that agency or the reason the officer is no longer employed by the former agency, as applicable.

(B) The executive officer or designee shall send a copy of the disclosure to the officer at the same time he or she sends it to the potential hiring agency.

(2) Such a current or former agency shall be immune from liability for its disclosure described in subdivision (1) of this subsection, unless such disclosure would constitute intentional misrepresentation or gross negligence.

(c) A potential hiring agency that receives a disclosure under subsection (b) of this section shall keep the contents of that disclosure confidential.

(d) A collective bargaining agreement between a law enforcement agency and the exclusive representative or bargaining agent of the law enforcement officers employed by that agency shall not include a prohibition on the exchange of information between the employing agency and another agency about an officer's performance at the employing agency.

Sec. 12. LAW ENFORCEMENT AGENCY; DUTY TO DISCLOSE

(a) The requirement of a current law enforcement agency to disclose its analysis of its law enforcement officer's performance at the agency as set forth in 20 V.S.A. § 2362a(a) and (b) in Sec. 11 of this act shall not apply if there is a binding nondisclosure agreement prohibiting that disclosure that was executed prior to the effective date of that section.

(b) The provisions in Sec. 11, in 20 V.S.A. § 2362a(d), that prohibit a

collective bargaining agreement from including a prohibition on the exchange of information between law enforcement agencies about the performance of a law enforcement officer shall not apply to any collective bargaining agreement that took effect prior to the effective date of that section, but shall apply upon the expiration or termination of such an agreement and shall apply to any collective bargaining agreement that takes effect on or after the effective date of that section.

Sec. 13. 20 V.S.A. § 2368 is added to read:

§ 2368. STATEWIDE POLICY; REQUIRED USE OF BODY CAMERA POLICY

(a)(1) On and after January 1, 2022, each law enforcement agency that authorizes its law enforcement officers to use body cameras shall adopt, follow, and enforce a model body camera policy established by the Council, and each law enforcement officer who uses a body camera shall comply with the provisions of that policy.

(2) Until the date set forth in subdivision (1) of this subsection, each law enforcement agency that authorizes its law enforcement officers to use body cameras shall adopt, follow, and enforce the Model Body Worn Camera (BWC) Policy established by the Law Enforcement Advisory Board pursuant to 2016 Acts and Resolves No. 163, and each law enforcement officer who uses a body camera shall comply with the provisions of that policy.

(b) The Council shall incorporate the provisions of this section into training it provides.

Sec. 14. MORATORIUM ON FACIAL RECOGNITION TECHNOLOGY

(a) Until the use of facial recognition technology by law enforcement officers is authorized by an enactment of the General Assembly, a law enforcement officer shall not use facial recognition technology or information acquired through the use of facial recognition technology unless the use would be permitted with respect to drones under 20 V.S.A. § 4622 (law enforcement use of drones).

(b) As used in this section:

(1) "Facial recognition" means:

(A) the automated or semi-automated process that identifies or attempts to identify a person based on the characteristics of the person's face, including identification of known or unknown persons or groups; or

(B) the automated or semiautomated process by which the characteristics of a person's face are analyzed to determine the person's

sentiment, state of mind, or other propensities, including the person's level of dangerousness.

(2) "Facial recognition technology" means any computer software or application that performs facial recognition.

(3) "Law enforcement officer" has the same meaning as in 20 V.S.A. § 2351a.

Sec. 15. 20 V.S.A. chapter 151 (Vermont Criminal Justice Council), subchapter 2 is amended to read:

Subchapter 2. Unprofessional Conduct

* * *

§ 2403. LAW ENFORCEMENT AGENCIES; DUTY TO REPORT

(a)(1) The executive officer of a law enforcement agency or the chair of the agency's civilian review board shall report to the Council within 10 business days if any of the following occur in regard to a law enforcement officer of the agency:

(A) Category (A).

(i) There is a finding of probable cause by a court that the officer committed Category A conduct.

(ii) There is any decision or findings of fact or verdict regarding allegations that the officer committed Category A conduct, including a judicial decision and any appeal therefrom.

(B) Category B.

(i) The agency receives a credible complaint against the officer that, ~~if deemed credible by the executive officer of the agency as a result of a valid investigation,~~ alleges that the officer committed Category B conduct.

(ii) The agency receives or issues any of the following:

(I) a report or findings of a valid investigation finding that the officer committed Category B conduct; or

(II) any decision or findings, including findings of fact or verdict, regarding allegations that the officer committed Category B conduct, including a hearing officer decision, arbitration, administrative decision, or judicial decision, and any appeal therefrom.

(C) Termination. The agency terminates the officer for Category A or Category B conduct.

(D) Resignation. The officer resigns from the agency while under investigation for unprofessional conduct.

(2) As part of his or her report, the executive officer of the agency or the chair of the civilian review board shall provide to the Council a copy of any relevant documents associated with the report, including any findings, decision, and the agency's investigative report.

(b) The Council shall provide a copy of any report and the relevant documents provided with it to the Council Advisory Committee, which shall recommend any appropriate action to take in regard to a law enforcement officer who is the subject of that report.

(c) The Executive Director of the Council shall report to the Attorney General and the State's Attorney of jurisdiction any allegations that an officer committed Category A conduct.

* * *

Sec. 16. LAW ENFORCEMENT RECOMMENDATIONS

In order to further the goal of defining law enforcement officers as community guardians, the following entities shall report to the Senate and House Committees on Government Operations on or before January 15, 2021 on their progress in regard to the following topics, including any recommendations for legislative action, except that the Criminal Justice Council (Council) shall submit a verbal progress report to those Committees by that date and any recommendations for legislative action on or before March 15, 2021:

(1) Law enforcement officer qualifications.

(A) The Law Enforcement Advisory Board shall recommend universal standards for interviewing and hiring new law enforcement officers in order to recognize applicant qualities that are desirable and those that are not. The Board shall specifically recommend standards that should apply to officers in a supervisory role.

(B) The Council shall consult with the Human Rights Commission, the American Civil Liberties Union, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other relevant organizations and individuals in reviewing law enforcement applicants' current written, oral, and psychological examinations for cultural sensitivities and overall appropriateness.

(2) Law enforcement officer training.

(A) The Council, in consultation with the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel, the Human Rights Commission, the American Civil Liberties Union, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other relevant stakeholders, shall review the current requirements for basic and annual in-service training in order to determine whether appropriate training is provided in the areas of cultural awareness, implicit bias, de-escalation, and recognition of and appropriately responding to individuals with a mental health condition or psychiatric disability, and whether that training is embedded into training on other policing policies such as traffic stops and searches.

(B) In consideration of its analysis in subdivision (A) of this subdivision (2), and in reviewing current training requirements and how that training is used in practice, the Council shall recommend any amendments to statutorily required training that may not be necessary for all officers.

(C) The Council, Law Enforcement Advisory Board, and Department of Public Safety shall consult with the Vermont League of Cities and Towns and other interested stakeholders to determine whether:

(i) the Council should be reestablished within a State agency or other oversight entity; and

(ii) there should be more flexibility in the residential and field training required of law enforcement applicants, including whether applicants should be able to satisfy some aspects of basic training through experiential learning.

(3) Models of civilian oversight. The Office of Attorney General shall consult with the Council, the Human Rights Commission, the Vermont League of Cities and Towns, the Vermont Law School Center for Justice Reform, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other interested parties to recommend one or more models of civilian oversight of law enforcement.

(4) Reporting allegations of law enforcement misconduct. The Office of Attorney General shall consult with the Council, the Human Rights Commission, the American Civil Liberties Union, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other interested parties in order to identify a central point for reporting allegations of law enforcement officer misconduct, which may be the Council or another entity, and how those allegations should be handled.

(5) Access to complaint information. The Council Advisory Committee shall consult with the Secretary of State, the Human Rights Commission, the American Civil Liberties Union, and other interested parties in reviewing public access to records related to allegations of law enforcement officer misconduct and substantiations of those allegations in order to recommend any changes to current practice.

(6) Body cameras.

(A) The Law Enforcement Advisory Board shall report any changes it deems necessary to the Model Body Worn Camera (BWC) Policy that it established pursuant to 2016 Acts and Resolves No. 163.

(B)(i) The Council shall recommend a model body camera policy for use by law enforcement agencies and officers.

(ii) After consulting with the Secretary of State, the Human Rights Commission, the American Civil Liberties Union, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other interested parties, the Council shall specifically recommend policies for responding to public records requests for body camera footage, including any recommended timelines to respond, how and what footage should be redacted, length of footage retention, and storage.

(C) The Department of Public Safety shall consult with the Council and the Law Enforcement Advisory Board to investigate the possibility of a statewide group purchasing contract for law enforcement body cameras and of central storage locations. If the Department recommends such a group, it shall detail its recommended structure and operation.

(7) Military equipment. After an opportunity for community involvement and feedback, the Council shall recommend a statewide policy on law enforcement officers' acquisition of military equipment.

(8) Facial recognition technology. After analyzing any law enforcement needs to use facial recognition technology, analyzing any potential inaccuracies or other limitations in the capacities of that technology, including implicit biases, and an opportunity for community involvement and feedback, the Council shall recommend a statewide policy on law enforcement officers' acquisition and use of facial recognition technology, in light of the moratorium set forth in Sec. 14 of this act. If the Council will recommend the authority for officers to acquire and use facial recognition technology, the Council shall recommend a plan to mitigate any implicit bias that results from the use of that technology.

* * * State Data Collection and Analysis * * *

Sec. 17. STATE OUTCOMES REPORT; GOVERNMENT ACCOUNTABILITY COMMITTEE; POPULATION-LEVEL INDICATORS DEMONSTRATING QUALITY OF LIFE FOR VERMONTERS WHO ARE BLACK, INDIGENOUS, OR PEOPLE OF COLOR

(a) On or before March 1, 2021, the Government Accountability Committee shall consult with the Executive Director of Racial Equity, the Social Equity Caucus, and the Chief Performance Officer and shall accept recommendations from other relevant entities in order to approve by that date population-level indicators that demonstrate the quality of life for Vermonters who are Black, Indigenous, or People of Color as those indicators relate to the population-level quality of life outcomes set forth in 3 V.S.A. § 2311(b).

(b) Once those indicators are approved by the Government Accountability Committee, the Chief Performance Officer shall report on those indicators in the State Outcomes Report set forth in 3 V.S.A. § 2311.

Sec. 18. 3 V.S.A. § 2311 is amended to read:

§ 2311. CHIEF PERFORMANCE OFFICER; ANNUAL STATE OUTCOMES REPORT

(a) Report.

(1) Annually, on or before September 30, the Chief Performance Officer within the Agency of Administration shall submit to the General Assembly a State Outcomes Report demonstrating the State's progress in reaching the population-level outcomes for each area of Vermont's quality of life set forth in subsection (b) of this section by providing data for the population-level indicators that are approved pursuant to the process set forth in subsection (c) of this section.

(2) Vermont's population-level quality of life outcomes are intended to reflect the well-being of all Vermonters, and indicators reported to measure the extent to which outcomes are achieved are intended to represent the experience of all Vermonters, including and especially Vermonters who are members of marginalized groups.

(b) Vermont population-level quality of life outcomes.

(1) Vermont has a prosperous economy.

(2) Vermonters are healthy.

(3) Vermont's environment is clean and sustainable.

- (4) Vermont is a safe place to live.
- (5) Vermont's families are safe, nurturing, stable, and supported.
- (6) Vermont's children and young people achieve their potential.
- (7) Vermont's elders live with dignity and in settings they prefer.
- (8) Vermonters with disabilities live with dignity and in settings they prefer.
- (9) Vermont has open, effective, and inclusive government.
- (10) Vermont's State infrastructure meets the needs of Vermonters, the economy, and the environment.

(c) Approving population-level indicators.

(1) Annually, on or before March 1, a standing committee of the General Assembly having jurisdiction over a population-level quality of life outcome set forth in subsection (b) of this section or the Chief Performance Officer may submit to the Government Accountability Committee a request that any population-level indicator related to that outcome be revised.

(2) If that request is approved by the Government Accountability Committee, the Chief Performance Officer shall revise and report on the population-level indicator in accordance with that approval and this section.

(d) The report set forth in this section shall not be subject to the limitation on the duration of agency reports set forth in 2 V.S.A. § 20(d).

Sec. 19. 3 V.S.A. § 2222 is amended to read:

§ 2222. POWERS AND DUTIES; BUDGET AND REPORT

* * *

(k) The Secretary of Administration or designee shall review all grants from an agency of the State to a ~~local~~ law enforcement agency or constable, and all such grants shall be subject to the approval of the Secretary or designee. The Secretary or designee shall approve the grant only if the law enforcement agency or constable has complied with the race data reporting requirements set forth in 20 V.S.A. § 2366(e) and the death or serious bodily injury reporting requirements set forth in 18 V.S.A. § 7257a(b) within six months prior to the Secretary's or designee's review.

Sec. 20. 20 V.S.A. § 2053 is amended to read:

§ 2053. COOPERATION WITH OTHER AGENCIES

(a) The ~~center~~ Center shall cooperate with other ~~state~~ State departments and agencies, municipal police departments, sheriffs, and other law

enforcement officers in this ~~state~~ State and with federal and international law enforcement agencies to develop and carry on a uniform and complete ~~state~~ State, interstate, national, and international system of records of ~~criminal activities~~ commission of crimes and information.

(b)(1) All ~~state~~ State departments and agencies, municipal police departments, sheriffs, and other law enforcement officers shall cooperate with and assist the ~~center~~ Center in the establishment of a complete and uniform system of records relating to the commission of crimes, arrests, convictions, imprisonment, probation, parole, fingerprints, photographs, stolen property, and other matters relating to the identification and records of persons who have or who are alleged to have committed a crime, or who are missing persons, or who are fugitives from justice.

(2) In order to meet the requirements of subdivision (1) of this subsection, the Center, in consultation with the Vermont Crime Research Group, statewide racial justice groups, and statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, shall establish and provide training on a uniform list of definitions to be used in entering data into a law enforcement agency's system of records, and every law enforcement officer shall use those definitions when entering data into his or her agency's system.

* * * Law Enforcement Advisory Board * * *

Sec. 21. LEAB; REPEAL FOR RECODIFICATION

24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

Sec. 22. 20 V.S.A. § 1818 is added to read:

§ 1818. LAW ENFORCEMENT ADVISORY BOARD

(a) The Law Enforcement Advisory Board is created within the Department of Public Safety to advise the Commissioner of Public Safety, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies that exercise law enforcement responsibilities. The Board shall review any matter that affects more than one law enforcement agency. The Board shall comprise the following members:

(1) the Commissioner of Public Safety;

(2) the Director of the Vermont State Police;

(3) the Director of the Enforcement Division of the Department of Fish and Wildlife;

(4) the Director of the Enforcement and Safety Division of the Department of Motor Vehicles;

-
- (5) the Chief of the Capitol Police Department;
- (6) the Director of the Vermont Criminal Justice Services Division;
- (7) a member of the Chiefs of Police Association of Vermont, appointed by the President of the Association;
- (8) a member of the Vermont Sheriffs' Association, appointed by the President of the Association;
- (9) a representative of the Vermont League of Cities and Towns, appointed by the Executive Director of the League;
- (10) a member of the Vermont Police Association, appointed by the President of the Association;
- (11) the Attorney General or designee;
- (12) a State's Attorney appointed by the Executive Director of the Department of State's Attorneys and Sheriffs;
- (13) the U.S. Attorney or designee;
- (14) the Executive Director of the Vermont Criminal Justice Council;
- (15) the Defender General or designee;
- (16) one representative of the Vermont Troopers' Association or its successor entity, elected by its membership;
- (17) a member of the Vermont Constables Association, appointed by the President of the Association; and
- (18) a law enforcement officer, appointed by the President of the Vermont State Employees Association.
- (b) The Board shall elect a chair and a vice chair, which positions shall rotate among the various member representatives. Each member shall serve a term of two years. The Board shall meet at the call of the Chair. A quorum shall consist of 10 members, and decisions of the Board shall require the approval of a majority of those members present and voting.
- (c) The Board shall undertake an ongoing formal review process of law enforcement policies and practices with a goal of developing a comprehensive approach to providing the best services to Vermonters, given monies available. The Board shall also provide educational resources to Vermonters about public safety challenges in the State.
- (d)(1) The Board shall meet not fewer than six times a year to develop policies and recommendations for law enforcement priority needs, including retirement benefits, recruitment of officers, training, homeland security issues, dispatching, and comprehensive drug enforcement.

(2) The Board shall present its findings and recommendations in brief summary form to the House and Senate Committees on Judiciary and on Government Operations annually on or before January 15.

Sec. 23. LEAB; RECODIFICATION DIRECTIVE

(a) 24 V.S.A. § 1939 is recodified as 20 V.S.A. § 1818. During statutory revision, the Office of Legislative Counsel shall revise accordingly any references to 24 V.S.A. § 1939 in the Vermont Statutes Annotated.

(b) Any references in session law and adopted rules to 24 V.S.A. § 1939 as previously codified shall be deemed to refer to 20 V.S.A. § 1818.

Sec. 24. LEAB; 2021 REPORT ON MUNICIPAL ACCESS TO LAW ENFORCEMENT SERVICES

As part of its annual report in the year 2021, the Law Enforcement Advisory Board shall specifically recommend ways that towns can increase access to law enforcement services.

* * * Department of Public Safety; Dispatch * * *

Sec. 25. 20 V.S.A. chapter 113 (Commissioner and Members), subchapter 1 is amended to read:

Subchapter 1. General Provisions

§ 1871. DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER

(a) ~~The department of public safety~~ Department of Public Safety, created by 3 V.S.A. § 212, shall include ~~a commissioner of public safety~~ Commissioner of Public Safety.

(b) The head of the ~~department~~ Department shall be ~~a commissioner of public safety~~ the Commissioner of Public Safety, who shall be a citizen of the United States and shall be selected on the basis of training, experience and qualifications. The ~~commissioner~~ Commissioner shall be appointed by the ~~governor~~ Governor, with the advice and consent of the ~~senate~~, ~~for a term of six years~~ Senate.

* * *

(i) ~~The commissioner of public safety~~ Commissioner of Public Safety may enter into contractual arrangements to perform dispatching functions for ~~state~~ State, municipal, or other emergency services, ~~establishing charges sufficient to recover the costs of dispatching.~~ Dispatch positions which are fully funded under such contracts may be authorized under the provisions of 32 V.S.A. § 5(b).

(j) Charges collected under subsections (e), (f), and (i) of this section shall be credited to the Vermont ~~law telecommunications special fund~~ Law Telecommunications Special Fund and shall be available to the ~~department~~ Department to offset the costs of providing the services.

* * *

§ 1873. ~~REMOVAL OF COMMISSIONER~~

~~During his or her term of office, the governor may remove the commissioner upon charges preferred in writing and after hearing, which shall be a public hearing if the commissioner requests the same, upon the following grounds:~~

~~(1) Incompetency amounting to failure to perform his or her official duties competently;~~

~~(2) Misconduct in office which shall be construed to include:~~

~~(a) failure to be of good behavior;~~

~~(b) participation, directly or indirectly, in a political campaign, rally, caucus or other political gathering, other than to vote. [Repealed.]~~

* * *

§ 1875. RADIO COMMUNICATION SYSTEM

(a) The ~~commissioner~~ Commissioner shall establish a communication system as will best enable the ~~department~~ Department to carry out the purposes of this chapter. This shall include a radio set furnished, on written request, to the sheriff and ~~state's attorney~~ State's Attorney of each county on a memorandum receipt.

(b)(1) The ~~commissioner~~ Commissioner may charge to all users of telecommunications services managed, maintained, or operated by the ~~department~~ Department for the benefit of the users a proportionate share of the actual cost of providing the services and products inclusive of administrative costs.

(2) Such charges shall be based on a pro rata allocation of the actual costs of services or products, determined in an equitable manner, which shall be representative of services provided to or system usage by individual units of government, including ~~state~~ State, local, and federal agencies or private nonprofit entities.

(3) Such charges shall be credited to the Vermont ~~communication system special fund~~ Law Telecommunications Special Fund and shall be available to the ~~department~~ Department to offset the costs of providing the services.

* * *

Sec. 26. DEPARTMENT OF PUBLIC SAFETY; PROHIBITION ON NEW CHARGES TO PERFORM DISPATCH FUNCTIONS UNTIL FEE STRUCTURE ENACTED; RECOMMENDATIONS

(a) In accordance with the amendments to 20 V.S.A. § 1871(i) set forth in Sec. 25 of this act, the Department of Public Safety shall not charge fees in any contractual arrangements it enters into to perform dispatching functions for State, municipal, or other emergency services until the General Assembly establishes in law a dispatch fee structure for those charges.

(b)(1) On or before March 15, 2021, the Department of Public Safety shall hold at least three public hearings and consult with the Vermont League of Cities and Towns, the Emergency Medical Advisory Committee, the Vermont Police Chiefs Association, the Vermont State Firefighters Association, and local emergency medical services, police, and fire agencies in order to report by that date to the House Committees on Government Operations and on Ways and Means and the Senate Committees on Government Operations and on Finance the Department's recommendations for an equitable dispatch fee structure for the Department to charge for dispatching emergency medical service, police, and fire services, and potential funding mechanisms for those charges that do not rely on property taxes.

(2) If the Department decides to overrule substantial arguments and considerations raised against the equitable dispatch fee structure or potential funding mechanisms it ultimately recommends, the Department shall include in its report a description of those arguments and considerations and the reasons for the Department's decision.

* * * Emergency Medical Services * * *

Sec. 27. 24 V.S.A. chapter 71 is amended to read:

CHAPTER 71. AMBULANCE SERVICES

Subchapter 1. Emergency Medical Services Districts

§ 2651. DEFINITIONS

As used in this chapter:

* * *

(14) ~~“State Board” means the State Board of Health. [Repealed.]~~

* * *

§ 2652. CREATION OF DISTRICTS

The ~~State Board~~ Department of Health may divide the State into emergency

medical services districts, the number, size, and boundaries of which shall be determined by the ~~Board~~ Department in the interest of affording adequate and efficient emergency medical services throughout the State.

* * *

§ 2654. RECORDING DETERMINATION OF DISTRICTS

The ~~State Board~~ Department of Health shall cause to be recorded in the office of the Secretary of State a certificate containing its determination of emergency medical services districts.

* * *

§ 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS

(a) The board of directors shall have full power to manage, control, and supervise the conduct of the district and to exercise in the name of the district all powers and functions belonging to the district, subject to such laws or ~~regulations~~ rules as may be applicable.

* * *

§ 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL SERVICES DISTRICTS

(a) It shall be the function of each emergency medical services district to foster and coordinate emergency medical services within the district, in the interest of affording adequate ambulance services within the district. Each emergency medical services district shall have powers that include the power to:

* * *

(6) monitor the provision of emergency medical services within the district and make recommendations to the ~~State Board~~ Department of Health regarding licensure, relicensure, and removal or suspension of licensure for ambulance vehicles, ambulance services, and first responder services;

* * *

(b) Two or more contiguous emergency medical services districts by a majority vote of the district board in each of the districts concerned may change the mutual boundaries of their emergency medical services districts. The district boards shall report all changes in district boundaries to the ~~State Board~~ Department of Health.

* * *

Subchapter 2. Licensing Operation of Affiliated Agencies

§ 2681. LICENSE REQUIRED; AMBULANCE LICENSE REQUIREMENT

(a) A person furnishing ambulance services or first responder services shall obtain a license to furnish services under this subchapter.

(b)(1) In order to obtain and maintain a license, an ambulance service shall be required to provide its services in a manner that does not discriminate on the basis of income, funding source, or severity of health needs, in order to ensure access to ambulance services within the licensee's service area.

(2) The Department of Health shall adopt rules in accordance with the provisions of subdivision (1) of this subsection.

§ 2682. ~~POWERS OF STATE BOARD~~ THE DEPARTMENT OF HEALTH

(a) ~~The State Board~~ Department of Health shall administer this subchapter and shall have power to:

* * *

§ 2683. TERM OF LICENSE

Full licenses shall be issued on forms to be prescribed by the ~~State Board~~ Department of Health for a period of three years beginning on January 1, or for the balance of any such three-year period. Temporary, conditional, or provisional licenses may also be issued by the ~~Board~~ Department.

* * *

Sec. 28. 18 V.S.A. § 9405 is amended to read:

§ 9405. STATE HEALTH IMPROVEMENT PLAN; HEALTH RESOURCE ALLOCATION PLAN

* * *

(b) The Green Mountain Care Board, in consultation with the Secretary of Human Services or designee, shall publish on its website the Health Resource Allocation Plan identifying Vermont's critical health needs, goods, services, and resources, which shall be used to inform the Board's regulatory processes, cost containment and statewide quality of care efforts, health care payment and delivery system reform initiatives, and any allocation of health resources within the State. The Plan shall identify Vermont residents' needs for health care services, programs, and facilities; the resources available and the additional resources that would be required to realistically meet those needs and to make access to those services, programs, and facilities affordable for consumers; and the priorities for addressing those needs on a statewide basis. The Board may expand the Plan to include resources, needs, and priorities

related to the social determinants of health. The Plan shall be revised periodically, but not less frequently than once every four years.

(1) In developing the Plan, the Board shall:

(A) consider the principles in section 9371 of this title, as well as the purposes enumerated in sections 9401 and 9431 of this title;

(B) identify priorities using information from:

(i) the State Health Improvement Plan;

(ii) emergency medical services resources and needs identified by the EMS Advisory Committee in accordance with subsection 909(f) of this title;

(iii) the community health needs assessments required by section 9405a of this title;

~~(iii)~~(iv) available health care workforce information;

~~(iv)~~(v) materials provided to the Board through its other regulatory processes, including hospital budget review, oversight of accountable care organizations, issuance and denial of certificates of need, and health insurance rate review; and

~~(v)~~(vi) the public input process set forth in this section;

(C) use existing data sources to identify and analyze the gaps between the supply of health resources and the health needs of Vermont residents and to identify utilization trends to determine areas of underutilization and overutilization; and

(D) consider the cost impacts of fulfilling any gaps between the supply of health resources and the health needs of Vermont residents.

* * *

Sec. 29. 18 V.S.A. chapter 17 is amended to read:

CHAPTER 17. EMERGENCY MEDICAL SERVICES

* * *

§ 903. AUTHORIZATION FOR PROVISION OF EMERGENCY MEDICAL SERVICES

Notwithstanding any other provision of law, including provisions of 26 V.S.A. chapter 23, persons who are affiliated with an affiliated agency and licensed to provide emergency medical treatment pursuant to the requirements of this chapter and the rules adopted under it are hereby authorized to provide such care without further certification, registration, or licensing.

* * *

§ 904. ADMINISTRATIVE PROVISIONS

(a) In order to carry out the purposes and responsibilities of this chapter, the Department of Health may contract for the provision of specific services.

(b) The Secretary of Human Services, upon the recommendation of the Commissioner of Health, may ~~issue~~ adopt rules to carry out the purposes and responsibilities of this chapter.

* * *

§ 906. EMERGENCY MEDICAL SERVICES DIVISION;
RESPONSIBILITIES

To implement the policy of section 901 of this chapter, the Department of Health shall be responsible for:

(1) Developing and implementing minimum standards for training emergency medical personnel in basic life support and advanced life support, and licensing emergency medical personnel according to their level of training and competence. The Department shall establish by rule at least three levels of emergency medical personnel instructors and the education required for each level.

* * *

(7) Assisting hospitals in the development of programs ~~which~~ that will improve the quality of in-hospital services for persons requiring emergency medical ~~care~~ treatment.

* * *

(9) Establishing requirements for the collection of data by emergency medical personnel and hospitals as may be necessary to evaluate emergency medical ~~care~~ treatment.

(10) Establishing, by rule, license levels for emergency medical personnel. The Commissioner shall use the guidelines established by the National Highway Traffic Safety Administration (NHTSA) in the U.S. Department of Transportation as a standard or other comparable standards, except that a felony conviction shall not necessarily disqualify an applicant. The rules shall also provide that:

* * *

(B) An individual licensed by the Commissioner as an emergency medical technician, advanced emergency medical technician, or a paramedic, who is affiliated with an affiliated agency, shall be able to practice fully within

the scope of practice for such level of licensure as defined by NHTSA's National EMS Scope of Practice Model consistent with the license level of the affiliated agency, and subject to the medical direction of the emergency medical services district medical advisor.

(C)(i) Unless otherwise provided under this section, an individual seeking any level of licensure shall be required to pass an examination approved by the Commissioner for that level of licensure, except that any psychomotor skills testing for emergency medical responder, or emergency medical technician licensure shall be accomplished either by the demonstration of those skills competencies as part of the education required for that license level as approved by the Department or by the National Registry of Emergency Medical Technicians' psychomotor examination.

(ii) Written and practical examinations shall not be required for relicensure; however, to maintain licensure, all individuals shall complete a specified number of hours of continuing education as established by rule by the Commissioner. The Commissioner shall ensure that continuing education classes are available online and provided on a regional basis to accommodate the needs of volunteers and part-time individuals, including those in rural areas of the State.

* * *

(E) An applicant who has served as a hospital corpsman or a medic in the U.S. Armed Forces, or who is licensed as a registered nurse or a physician assistant shall be granted a permanent waiver of the training requirements to become a licensed emergency medical technician, an advanced emergency medical technician, or a paramedic, provided the applicant passes the applicable examination approved by the Commissioner for that level of licensure and is affiliated with an affiliated agency.

(F) An applicant who is registered on the National Registry of Emergency Medical Technicians as an emergency medical technician, an advanced emergency medical technician, or a paramedic shall be granted licensure as a Vermont emergency medical technician, an advanced emergency medical technician, or a paramedic without the need for further testing, provided he or she is affiliated with an affiliated agency or is serving as a medic with the Vermont National Guard.

* * *

(11) In addition to the licenses established under subdivision (10) of this section, the Department shall establish by rule an entry-level certification for Vermont EMS first responders.

* * *

~~§ 906b. TRANSITIONAL PROVISION; CERTIFICATION TO
LICENSURE~~

~~Every person certified as an emergency medical provider shall have his or her certification converted to the comparable level of licensure. Until such time as the Department of Health issues licenses in lieu of certificates, each certified emergency medical provider shall have the right to practice in accordance with his or her level of certification. [Repealed.]~~

~~* * *~~

§ 906d. RENEWAL REQUIREMENTS; SUNSET REVIEW

(a) Not less than once every five years, the Department shall review emergency medical personnel continuing education and other continuing competency requirements. The review results shall be in writing and address the following:

(1) the renewal requirements of the profession;

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

(3) the cost of the renewal requirements for emergency medical personnel; and

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

(b) The Department shall amend its rules or propose any necessary statutory amendments to revise any emergency medical personnel continuing education and other continuing competency requirements that are not necessary for the protection of the public health, safety, or welfare.

~~* * *~~

§ 909. EMS ADVISORY COMMITTEE; EMS EDUCATION COUNCIL

(a) The Commissioner shall establish the Emergency Medical Services Advisory Committee to advise on matters relating to the delivery of emergency medical services (EMS) in Vermont.

~~* * *~~

(e) Annually, on or before January 1, the Committee shall report on the EMS system to the House Committees on Government Operations, on Commerce and Economic Development, and on Human Services and to the Senate Committees on Government Operations, on Economic Development, Housing and General Affairs, and on Health and Welfare. The Committee's reports shall include information on the following:

* * *

(6) the nature and costs of dispatch services for EMS providers throughout the State, including the annual number of mutual aid calls to an emergency medical service area that come from outside that area, and suggestions for improvement;

* * *

(f) In addition to its report set forth in subsection (e) of this section, the Committee shall identify EMS resources and needs in each EMS district and provide that information to the Green Mountain Care Board to inform the Board's periodic revisions to the Health Resource Allocation Plan developed pursuant to subsection 9405(b) of this title.

(g) The Committee shall establish from among its members the EMS Education Council, which may:

(1) sponsor training and education programs required for emergency medical personnel licensure in accordance with the Department of Health's required standards for that training and education; and

(2) provide advice to the Department of Health regarding the standards for emergency medical personnel licensure and any recommendations for changes to those standards.

Sec. 30. 32 V.S.A. § 8557 is amended to read:

§ 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

(a)(1) Sums for the expenses of the operation of training facilities and curriculum of the Vermont Fire Service Training Council not to exceed \$1,200,000.00 per year shall be paid to the Fire Safety Special Fund created by 20 V.S.A. § 3157 by insurance companies, writing fire, homeowners multiple peril, allied lines, farm owners multiple peril, commercial multiple peril (fire and allied lines), private passenger and commercial auto, and inland marine policies on property and persons situated within the State of Vermont within 30 days after notice from the Commissioner of Financial Regulation of such estimated expenses. Captive companies shall be excluded from the effect of this section.

* * *

(4) An amount not less than \$150,000.00 shall be specifically allocated to the Emergency Medical Services Special Fund established under 18 V.S.A. § 908 for the provision of training programs for certified Vermont EMS first responders and licensed emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics.

* * *

Sec. 31. TRANSITIONAL EMS PROVISIONS

(a) Rules. Except as otherwise provided in this act, on or before July 1, 2021, the Department of Health shall finally adopt or amend the rules required by this act, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

(b) Ambulance service licenses. The requirements for initial ambulance service licensure and renewal set forth in 24 V.S.A. § 2681(b) in Sec. 27 of this act shall apply to initial ambulance service license and renewal applicants on and after July 1, 2021 or on and after the effective date of the Department of Health rules adopted pursuant to that section and subsection (a) of this section, whichever date is later.

(c) Existing EMS Instructor/Coordinator licensees. Any person who is licensed as an EMS Instructor/Coordinator under the Department of Health's Emergency Medical Service Rules in effect immediately prior to the effective date of the rules establishing the new levels of instructor licenses as required by 18 V.S.A. § 906(1) in Sec. 29 of this act shall be deemed to be licensed at the level that is consistent with the scope of practice of the new license levels.

(d) Development of Vermont EMS First Responder certification. The Department of Health shall consult with the EMS Advisory Committee, the University of Vermont's Initiative for Rural Emergency Medical Services, and any other relevant stakeholders in developing the new Vermont EMS First Responder certification required by 18 V.S.A. § 906(11) in Sec. 29 of this act so that certification is established on or before July 1, 2021.

(e) Sunset review of renewal requirements. Pursuant to 18 V.S.A. § 906d (renewal requirements; sunset review) set forth in Sec. 29 this act, the Department of Health shall conduct its first sunset review in conjunction with its rulemaking required by this act and thereafter propose any necessary statutory amendments in accordance with that section.

* * * Public Safety Planning * * *

Sec. 32. REGIONAL PLANNING COMMISSIONS; INVENTORY OF
MUNICIPAL PUBLIC SAFETY RESOURCES

(a) The purpose of this section is to require each regional planning commission to create one inventory identifying the public safety resources of each town within its jurisdiction and to report that inventory to all of its towns so that each town can better understand the public safety resources that are available to them and how those resources may be shared on a regional basis.

(b) On or before December 31, 2021, each regional planning commission shall create and report to all of the towns within its jurisdiction one inventory identifying all of the public safety resources that each town within its jurisdiction relies upon for its public safety needs. As part of this inventory, the inventory shall identify:

(1) any mutual aid agreements for public safety resources that its towns may have; and

(2) any of its towns that have a public safety plan.

(c) As used in this section, “public safety resources” means the law enforcement, fire, emergency medical service, and dispatch entities that provide their services to a town.

* * * Effective Dates * * *

Sec. 33. EFFECTIVE DATES

This act shall take effect on October 1, 2020, except that:

(1) Sec. 4, 20 V.S.A. § 2352 (Council membership) shall take effect on December 1, 2020; and

(2) Sec. 19, 3 V.S.A. § 2222 (powers and duties; budget and report) shall take effect on January 1, 2021.

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

House Proposal of Amendment Concurred In

S. 237.

House proposal of amendment to Senate bill entitled:

An act relating to promoting affordable housing.

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:

* * * Municipal Zoning * * *

Sec. 1. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(1) Equal treatment of housing and required provisions for affordable housing.

* * *

(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to ~~an owner-occupied~~ a single-family dwelling on an owner-occupied lot. A bylaw may require a single-family dwelling with an accessory dwelling unit to be subject to the same review, dimensional, or other controls as required for a single-family dwelling without an accessory dwelling unit. An accessory dwelling unit means ~~an efficiency or one-bedroom apartment~~ a distinct unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

(i) The property has sufficient wastewater capacity.

(ii) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.

~~(iii) Applicable setback, coverage, and parking requirements specified in the bylaws are met.~~

(F) Nothing in subdivision (a)(1)(E) of this section shall be construed to prohibit:

(i) a bylaw that is less restrictive of accessory dwelling units; or

(ii) a bylaw that ~~requires conditional use review for one or more of the following that is involved in creation of an accessory dwelling unit:~~

~~(I) a new accessory structure;~~

~~(II) an increase in the height or floor area of the existing dwelling; or~~

~~(III) an increase in the dimensions of the parking areas regulates short-term rental units distinctly from residential rental units.~~

* * *

(2) Existing small lots. Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of any bylaw, including an interim bylaw, may be developed for the purposes permitted in the district

in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the new bylaw or interim bylaw.

(A) A municipality may prohibit development of a lot not served by and able to connect to municipal sewer and water service if either of the following applies:

- (i) the lot is less than one-eighth acre in area; or
- (ii) the lot has a width or depth dimension of less than 40 feet.

* * *

Sec. 2. 24 V.S.A. § 4414 is amended to read:

§ 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

* * *

(3) Conditional uses.

(A) In any district, certain uses may be allowed only by approval of the appropriate municipal panel, if general and specific standards to which each allowed use must conform are prescribed in the appropriate bylaws and if the appropriate municipal panel, under the procedures in subchapter 10 of this chapter, determines that the proposed use will conform to those standards. These general standards shall require that the proposed conditional use shall not result in an undue adverse effect on any of the following:

- (i) The capacity of existing or planned community facilities.
- (ii) The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- (iii) Traffic on roads and highways in the vicinity.
- (iv) Bylaws and ordinances then in effect.
- (v) Utilization of renewable energy resources.

* * *

(E) A multiunit dwelling project consisting of four or fewer units located in a district allowing multiunit dwellings may not be denied solely due to an undue adverse effect on the character of the area affected.

* * *

Sec. 3. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

* * *

(29) To regulate by means of an ordinance or bylaw the operation of short-term rentals within the municipality, provided that the ordinance or bylaw does not adversely impact the availability of long-term rental housing. As used in this subdivision, “short-term rental” means a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

Sec. 4. 27 V.S.A. § 545 is added to read:

§ 545. COVENANTS, CONDITIONS, AND RESTRICTIONS OF SUBSTANTIAL PUBLIC INTEREST

Deed restrictions, covenants, or similar binding agreements added after January 1, 2021 that prohibit or have the effect of prohibiting land development allowed under a municipality’s bylaws shall not be valid. This section shall not affect the enforceability of any property interest held in whole or in part by a qualified organization or State agency as defined in 10 V.S.A. § 6301a, including any restrictive easements, such as conservation easements and historic preservation rights and interests defined in 10 V.S.A. § 822. This section shall not affect the enforceability of any property interest that is restricted by a housing subsidy covenant as defined by section 610 of this title and held in whole or in part by an eligible applicant as defined in 10 V.S.A. § 303(4) or the Vermont Housing Finance Agency.

* * * Mobile Home Parks * * *

Sec. 5. MOBILE HOME PARK INFRASTRUCTURE

(a) The Department of Environmental Conservation shall:

(1) assist the Town of Brattleboro and the Tri-Park Cooperative in the implementation of the Tri-Park Master Plan and Deerfield River & Lower Connecticut River Tactical Basin Plan, including through restructuring or forgiveness of State Revolving Loans RF1-104 and RF3-163 and additional loans to the extent possible, to allow for improvements to drinking water, wastewater, and stormwater infrastructure needs;

(2) provide similar assistance to the extent possible to similarly situated mobile home parks that also have infrastructure needs; and

(3) identify statutory and programmatic changes necessary to assist in the implementation of the plans and to improve access and terms by mobile home parks to the Clean Water Revolving Loan Fund, Water Infrastructure Sponsorship Program and the Drinking Water State Revolving Fund.

(b) On or before January 15, 2021, the Department shall report on actions taken and recommendations for statutory or programmatic changes to the Senate Committees on Economic Development, Housing and General Affairs and on Institutions and to the House Committees on General, Housing, and Military Affairs, on Natural Resources, Fish, and Wildlife, and on Corrections and Institutions.

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

§ 10. VERMONT STATE TREASURER; CREDIT FACILITY FOR LOCAL INVESTMENTS

(a) Notwithstanding any provision of 32 V.S.A. § 433(a) to the contrary, the Vermont State Treasurer shall have the authority to establish a credit facility of up to 10 percent of the State's average cash balance on terms acceptable to the Treasurer and consistent with prudent investment principles and guidelines pursuant to 32 V.S.A. § 433(b)–(c) and the Uniform Prudent Investor Act, 14A V.S.A. chapter 9.

~~(b) The amount authorized in subsection (a) of this section shall include all credit facilities authorized by the General Assembly and established by the Treasurer, and the renewal or replacement of those credit facilities. The Treasurer may use amounts available under this section to provide financing for infrastructure projects in Vermont mobile home parks and may modify the terms of such financing in his or her discretion as is necessary to promote the availability of mobile home park housing and to protect the interests of the State.~~

* * * Effective Date * * *

Sec. 7. 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.

Rules Suspended; Bill Messaged

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

S. 119.

Message from the House No. 86

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. 254. An act relating to union organizing.

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

Adjournment

On motion of Senator Ashe, the Senate adjourned until ten o'clock in the morning.

FRIDAY, SEPTEMBER 25, 2020

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Roll Call

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

| | |
|------------------------|---|
| Addison District | Senator Christopher A. Bray Senator Ruth Ellen Hardy |
| Bennington District | Senator Richard W. Sears, Jr. |
| Caledonia District | Senator M. Jane Kitchel |
| Chittenden District | Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons |
| Essex-Orleans District | Senator Robert A. Starr |
| Franklin District | Senator Corey. J. Parent |
| Grand Isle District | Senator Richard T. Mazza |

| | |
|---------------------|--|
| Rutland District | Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil |
| Washington District | Senator Andrew J. Perchlik Senator Anthony Pollina |
| Windham District | Senator Jeanette K. White |
| Windsor District | Senator Alison Clarkson Senator Richard J. McCormack |

House Proposal of Amendment Concurred In with Amendment

S. 24.

House proposal of amendment to Senate bill entitled:

An act relating to naming the Courthouse located at 9 Merchants Row in Rutland.

Was taken up.

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

Sec. 1. DEPARTMENT OF CORRECTIONS; RACIAL EQUITY AND BIAS; PLAN AND REPORT

(a) Findings. The General Assembly finds that:

(1) The State's Department of Corrections is a department within the Agency of Human Services with the stated purpose in 28 V.S.A. § 1 of developing and administering a rehabilitative correctional program and plays an important role in determining the quality of an individual's sentence and ability for a successful return to and participation in the community.

(2) The Department does not serve in a law enforcement capacity and its role is to provide security and ensure racial and social equity to employees and to persons under the custody of the Commissioner.

(3) The General Assembly passed 2018 Acts and Resolves No. 9 (Act 9), which created within the Executive Branch the position of Executive Director of Racial Equity "to identify and work to eradicate systemic racism within State Government."

(4) In order to "implement a program of continuing coordination and improvement of activities in State government in order to combat systemic racial disparities and measure progress toward fair and impartial governance," the Executive Director of Racial Equity is charged in statute with:

(A) “overseeing a comprehensive organizational review to identify systemic racism in each of the three branches of State government and inventory systems in place that engender racial disparities;”

(B) “managing and overseeing the statewide collection of race-based data to determine the nature and scope of racial discrimination within all systems of State government;” and

(C) “developing a model fairness and diversity policy and reviewing and making recommendations regarding the fairness and diversity policies held by all State government systems.”

(5) The Executive Director of Racial Equity is also responsible for working “collaboratively with State agencies and departments to gather relevant existing data and records necessary to carry out the purpose of 3 V.S.A. chapter 68 and to develop best practices for remediating systemic racial disparities throughout State government.”

(b) Intent. It is the intent of the General Assembly:

(1) to address systemic racism and bias to achieve racial and social equity for employees of the Department of Corrections and persons under the custody of the Commissioner; and

(2) to recruit, train, and retain a diverse and high-quality workforce in the Department.

(c) Plan. The Commissioner of Corrections shall submit for approval to the Executive Director of Racial Equity a strategy and long-term plan to address systemic racism and bias and promote diversity and inclusion in the Department of Corrections.

(1) The scope of the plan shall address the Department’s employment practices and supervision of persons under the custody of the Commissioner both in State facilities and in the community.

(2) The plan shall include a timeline and process for the following:

(A) evaluating Department hiring practices, training, supervision, professional development, and competency standards to inform the basis of performance evaluation and promotion of employees;

(B) identifying the resources and funding needed to complete the plan, including upgraded technology, consultant support, and required data; and

(C) identifying a list of stakeholders and a process for how the Department will engage with the Department's employees, the persons under the custody of the Commissioner, and the broader community.

(d) Report. On or before December 31, 2020, the Commissioner of Corrections shall submit the draft plan described in subsection (c) of this section to the Executive Director of Racial Equity for review and approval. Upon approval, but not later than January 31, 2021, the Executive Director of Racial Equity and the Commissioner of Corrections shall submit the approved plan to the House Committee on Corrections and Institutions and the Senate Committee on Judiciary.

Sec. 2. 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 a report on racial equity and bias in the Department of Corrections.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senators Sears, Baruth, Benning, Nitka and White moved that the Senate concur in the House proposal of amendment with an amendment as follows:

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. DEPARTMENT OF CORRECTIONS; RACIAL EQUITY AND BIAS; PLAN AND REPORT

(a) Findings. The General Assembly finds that:

(1) The State's Department of Corrections is a department within the Agency of Human Services with the stated purpose in 28 V.S.A. § 1 of developing and administering a rehabilitative correctional program and plays an important role in determining the quality of an individual's sentence and ability for a successful return to and participation in the community.

(2) The Department does not serve in a law enforcement capacity and its role is to provide security and ensure racial and social equity to employees and to persons under the custody of the Commissioner.

(3) The General Assembly passed 2018 Acts and Resolves No. 9 (Act 9), which created within the Executive Branch the position of Executive Director of Racial Equity "to identify and work to eradicate systemic racism within State Government."

(4) In order to “implement a program of continuing coordination and improvement of activities in State government in order to combat systemic racial disparities and measure progress toward fair and impartial governance,” the Executive Director of Racial Equity is charged in statute with:

(A) “overseeing a comprehensive organizational review to identify systemic racism in each of the three branches of State government and inventory systems in place that engender racial disparities;”

(B) “managing and overseeing the statewide collection of race-based data to determine the nature and scope of racial discrimination within all systems of State government;” and

(C) “developing a model fairness and diversity policy and reviewing and making recommendations regarding the fairness and diversity policies held by all State government systems.”

(5) The Executive Director of Racial Equity is also responsible for working “collaboratively with State agencies and departments to gather relevant existing data and records necessary to carry out the purpose of 3 V.S.A. chapter 68 and to develop best practices for remediating systemic racial disparities throughout State government.”

(b) Intent. It is the intent of the General Assembly:

(1) to address systemic racism and bias to achieve racial and social equity for employees of the Department of Corrections and persons under the custody of the Commissioner; and

(2) to recruit, train, and retain a diverse and high-quality workforce in the Department.

(c) Plan. The Commissioner of Corrections shall submit for approval to the Executive Director of Racial Equity a strategy and long-term plan to address systemic racism and bias and promote diversity and inclusion in the Department of Corrections.

(1) The scope of the plan shall address the Department’s employment practices and supervision of persons under the custody of the Commissioner both in State facilities and in the community.

(2) The plan shall include a timeline and process for the following:

(A) evaluating Department hiring practices, training, supervision, professional development, and competency standards to inform the basis of performance evaluation and promotion of employees;

(B) identifying the resources and funding needed to complete the plan, including upgraded technology, consultant support, and required data; and

(C) identifying a list of stakeholders and a process for how the Department will engage with the Department's employees, the persons under the custody of the Commissioner, and the broader community.

(d) Report. On or before December 31, 2020, the Commissioner of Corrections shall submit the draft plan described in subsection (c) of this section to the Executive Director of Racial Equity for review and approval. Upon approval, but not later than January 31, 2021, the Executive Director of Racial Equity and the Commissioner of Corrections shall submit the approved plan to the House Committee on Corrections and Institutions and the Senate Committee on Judiciary.

Sec. 2. 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 a report on racial equity and bias in the Department of Corrections.

Which was agreed to.

Rules Suspended; House Proposal of Amendment Concurred In

S. 254.

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

An act relating to union organizing.

Was taken up for immediate consideration.

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

First: By striking out Sec. 1, 3 V.S.A. § 941 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

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

§ 941. UNIT DETERMINATION, CERTIFICATION, AND REPRESENTATION

* * *

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

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

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

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

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

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

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

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

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

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

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

(B) Once scheduled, the date of the hearing shall not be subject to change except as provided pursuant to subdivision (e)(4) of this section. Upon request, the results of the investigation shall be made available by the Board to the petitioners and all intervenors, if any, including the duly certified bargaining representative prior to giving notice of hearing. Written notice of the hearing shall be mailed by certified mail to the parties named in the petition not less than seven calendar days before the hearing.

(C) Hearing procedure and notification of the results of same the hearing shall be in accordance with rules prescribed adopted by the Board, or except that the parties shall only be permitted to submit posthearing briefs within not more than five business days after the hearing if the parties mutually agree to do so or if the Board requests that the parties submit posthearing briefs.

(D) The Board shall issue its decision as soon as practicable and, in any event, not more than five business days after the hearing or the submission any posthearing briefs.

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

(e)(1) Whenever, as a result on the basis of a petition and an appropriate pursuant to subdivision (d)(1) of this section or a hearing pursuant to subdivision (d)(2) of this section, the Board finds substantial interest among employees in forming a bargaining unit or being represented for purposes of collective bargaining, a secret ballot election shall be conducted by the Board to be taken in such manner as to show not more than 23 business days after the petition is filed with the Board except as otherwise provided pursuant to subdivision (4) of this subsection.

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

(3)(A) The employer shall file with the Board and the other parties a list of the employees in the bargaining unit within two business days after the Board determines that a secret ballot election shall be conducted.

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

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

(D) The list shall be:

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

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

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

(4) The Board may, upon the request of any party or on its own motion, extend any time period set forth in this subsection or in subsections (c) and (d) of this section for good cause, provided that the election shall be conducted, or, in the event of a mail ballot election, that ballots are mailed to the employees, within not more than 60 calendar days after the date the petition is filed pursuant to subsection (c) of this section. The Board may further extend the time to conduct the election by not more than 30 additional calendar days upon the mutual agreement of the parties or if it determines that extraordinary circumstances have made such an extension necessary.

* * *

(g)(1) In determining the representation of State employees in a collective bargaining unit, the Board shall conduct a secret ballot of the employees within the time period set forth in subdivision (e)(1) of this section, unless the time to conduct the election is extended pursuant to subdivision (e)(4) of this

section, and certify the results to the interested parties and to the State employer. The original ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. No representative will be certified with less than a majority of the votes cast by employees in the bargaining unit.

* * *

Second: In Sec. 2, 16 V.S.A. § 1992, in subdivision (a)(2)(B), before the words “business days” by striking out the word “two” and inserting in lieu thereof the word “five”

Third: By striking out Sec. 3, 21 V.S.A. § 1724, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

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

§ 1724. CERTIFICATION PROCEDURE

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

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

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

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

(ii) A hearing shall be held before the Board pursuant to subdivision (d)(1)(B) of this section in the event the employer challenges the

appropriateness of the proposed bargaining unit, provided that a hearing shall not be held if the parties stipulate to the composition of the appropriate bargaining unit and resolve any other unit determination issues before the hearing.

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

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

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

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

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

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

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

(B) Once scheduled, the date of the hearing shall not be subject to change except as provided pursuant to subdivision (e)(4) of this section.

(C) Hearing procedure and notification of the results thereof of the hearing shall be in accordance with rules prescribed adopted by the Board of,

except that the parties shall only be permitted to submit posthearing briefs within not more than five business days after the hearing if the parties mutually agree to do so or if the Board requests that the parties submit posthearing briefs.

(D) The Board shall issue its decision as soon as practicable and, in any event, not more than five business days after the hearing or the submission any posthearing briefs.

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

* * *

(e)(1) In determining the representation of municipal employees in a collective bargaining unit, the Board shall conduct a an election by secret ballot of the employees and certify the results to the interested parties and to the employer. The election shall be held not more than 23 business days after the petition is filed with the Board except as otherwise provided pursuant to subdivision (4) of this subsection.

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

(3)(A) The employer shall file with the Board and the other parties a list of the employees in the bargaining unit within two business days after the Board determines that a secret ballot election shall be conducted.

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

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

(D) The list shall be:

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

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

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

(4) The Board may, upon the request of any party or on its own motion, extend any time period set forth in this subsection or in subsections (a) and (b) of this section for good cause, provided that the election shall be conducted, or, in the event of a mail ballot election, that ballots are mailed to the employees, within not more than 60 calendar days after the date the petition is filed pursuant to subsection (c) of this section. The Board may further extend the date to conduct the election by not more than 30 additional calendar days upon the mutual agreement of the parties or if it determines that extraordinary circumstances have made such an extension necessary.

* * *

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

Bill Passed in Concurrence with Proposal of Amendment

H. 607.

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

An act relating to increasing the supply of nurses and primary care providers in Vermont.

Bills Passed in Concurrence

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

H. 99. An act relating to trade in covered animal parts or products.

H. 952. An act relating to approval of amendments to the charter of the City of Burlington.

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. 24, H. 607, H. 952.

Rules Suspended; Bill Messaged

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

H. 99.

On motion of Senator Sirotkin, the bill was ordered delivered to the Governor forthwith, pursuant to Joint Rule 15.

Rules Suspended; Bill Delivered

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

S. 254.**Message from the House No. 87**

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

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 House proposal of amendment to Senate bill of the following title:

S. 352. An act relating to making certain amendments to the Front-Line Employees Hazard Pay Grant Program.

And has concurred therein.

Recess

On motion of Senator Ashe the Senate recessed until 12:30 P.M.

Called to Order

The Senate was called to order by the President.

Message from the House No. 88

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

Mr. President:

I am directed to inform the Senate that:

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

S. 24. An act relating to naming the Courthouse located at 9 Merchants Row in Rutland.

And has concurred therein.

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

H. 607. An act relating to increasing the supply of nurses and primary care providers in Vermont.

And has severally concurred therein.

Recess

The Chair declared a recess until the fall of the gavel.

Called to Order

The Senate was called to order by the President.

House Proposals of Amendment Concurred In

H. 954.

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

An act relating to miscellaneous tax provisions.

Were taken up.

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

First: By striking Sec.4, [Deleted.], in its entirety and inserting a new Sec. 4 to read as follows:

Sec. 4. BILLING AND COLLECTION OF EDUCATION PROPERTY TAX;
DEPARTMENT OF TAXES; REPORT

On or before February 1, 2021, the Department of Taxes, in consultation with the Vermont League of Cities and Towns, the Vermont Municipal Clerks' and Treasurers' Association, the Vermont Bankers Association, and the Association of Vermont Credit Unions, shall submit to the House Committees on Ways and Means and on Government Operations and the Senate Committees on Finance and on Government Operations a report studying potential approaches to transitioning the responsibility for billing and

collecting the statewide education property tax from municipalities to the Department. The report shall include recommended legislation and estimates of the fiscal impact of the transition.

Second: By striking Sec. 8, use tax safe harbor; report, in its entirety and inserting in lieu thereof the following:

Sec. 8. 32 V.S.A. § 5870 is amended to read:

§ 5870. REPORTING USE TAX ON INDIVIDUAL INCOME TAX
RETURNS

(a) The Commissioner of Taxes shall provide that individuals report use tax on their State individual income tax returns. Taxpayers are required to attest to the amount of their use tax liability under chapter 233 of this title for the period of the tax return. Alternatively, they may elect to report an amount that is a percentage of their adjusted gross income determined under subsection (b) of this section, ~~as shown on a table published by the Commissioner of Taxes;~~ and use tax liability arising from the purchase of each item with a purchase price in excess of \$1,000.00 shall be added to the table amount shown under subsection (b) of this section.

(b) The amount of use tax a taxpayer may elect to report under subsection (a) of this section shall be ~~0.10 percent of their adjusted gross income based on the taxpayer's adjusted gross income as determined by the following tables;~~ provided, however, that a taxpayer shall not be required to pay more than ~~\$500.00~~ \$150.00 for use tax liability under this subsection, arising from total purchases of items with a purchase price of \$1,000.00 or less.

| <u>If adjusted gross income is:</u> | <u>The tax is:</u> |
|-------------------------------------|--|
| <u>Not over \$20,000.00</u> | <u>\$ 0.00</u> |
| <u>\$20,001.00 to \$30,000.00</u> | <u>\$10.00</u> |
| <u>\$30,001.00 to \$40,000.00</u> | <u>\$15.00</u> |
| <u>\$40,001.00 to \$50,000.00</u> | <u>\$20.00</u> |
| <u>\$50,001.00 to \$60,000.00</u> | <u>\$25.00</u> |
| <u>\$60,001.00 to \$70,000.00</u> | <u>\$30.00</u> |
| <u>\$70,001.00 to \$80,000.00</u> | <u>\$35.00</u> |
| <u>\$80,001.00 to \$90,000.00</u> | <u>\$40.00</u> |
| <u>\$90,001.00 to \$100,000.00</u> | <u>\$45.00</u> |
| <u>\$100,001.00 and over</u> | <u>the lesser of \$150.00 or 0.05% of adjusted gross income.</u> |

Third: By striking Sec. 10a, 32 V.S.A. § 9741(54), in its entirety and inserting in lieu thereof:

Sec. 10a. [Deleted.]

Fourth: By striking Secs. 19–19a, 529 plans, in their entirety and inserting in lieu thereof:

Sec. 19. 32 V.S.A. § 5825a(b) is amended to read:

(b) A taxpayer who has received a credit under subsection (a) of this section shall repay to the Commissioner 10 percent of any distribution from a higher education investment plan account, ~~which distribution is not used exclusively for costs of attendance at an approved postsecondary education institution as defined in 16 V.S.A. § 2822(6),~~ up to a maximum of the total credits received by the taxpayer under subsection (a) of this section minus any amount of repayment of such credits in prior tax years except when the distribution:

(1) is used exclusively for costs of attendance at an approved postsecondary education institution as defined in 16 V.S.A. § 2822(6);

(2) qualifies as an expense associated with a registered apprenticeship program pursuant to 26 U.S.C. § 529(c)(8); or

(3) is made after the death of the beneficiary or after the beneficiary becomes disabled pursuant to subdivisions (q)(2)(C) and (m)(7) of 26 U.S.C. § 72.

(c) Repayments under this subsection (b) of this section shall be subject to assessment, notice, penalty and interest, collection, and other administration in the same manner as an income tax under this chapter.

Sec. 19a. [Deleted.]

Fifth: By striking Secs. 26, official State revenue estimate, and 27, 2019 Acts and Resolves No. 20, Sec. 109, and their reader assistance headings in their entirety and inserting in lieu thereof:

Sec. 26. [Deleted.]

Sec. 27. [Deleted.]

Sixth: By striking Sec. 29, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof:

* * * Tax Increment Financing Districts * * *

Sec. 29. TAX INCREMENT FINANCING DISTRICTS; DEBT
INCURRENCE PERIODS; EXTENSIONS

(a) Notwithstanding any other provision of law, the period to incur indebtedness is extended for the following tax increment financing districts:

(1) The Barre City Downtown Tax Increment Financing District is extended to March 31, 2023.

(2) The Bennington Downtown Tax Increment Financing District is extended to March 31, 2028.

(3) The Burlington Downtown Tax Increment Financing District is extended to March 31, 2022.

(4) The three properties located within the Burlington Waterfront Tax Increment Financing District at 49 Church Street and 75 Cherry Street, as designated on the City of Burlington's Tax Parcel Maps as Parcel ID# 044-4-004-000, Parcel ID# 044-4-004-001, and Parcel ID# 044-4-033-000, is extended to June 30, 2022; provided, however, that the extension of the period to incur indebtedness is subject to the City of Burlington's submission to the Vermont Economic Progress Council on or before June 30, 2022 of an executed construction contract with a completion guarantee by the owner of the parcels evidencing commitment to construct not less than \$50 million of private development on the parcels.

(5) The Montpelier Tax Increment Financing District is extended to March 31, 2029.

(6) The South Burlington Tax Increment Financing District is extended to March 31, 2023.

(7) The St. Albans City Downtown Tax Increment Financing District is extended to March 31, 2023.

(b) This section does not:

(1) extend any period that the municipal or education tax increment may be retained by the tax increment financing districts listed in subsection (a) of this section.

(2) amend any other tax increment financing requirements set forth in 24 V.S.A. chapter 53, subchapter 5; 32 V.S.A. § 5404a; or the TIF District Rule adopted in May 2015, applicable to the tax increment financing districts listed in subsection (a) of this section.

Sec. 30. 2013 Acts and Resolves No. 80, Sec. 18, as amended by 2016 Acts and Resolves No. 134, Sec. 9a, is further amended to read:

Sec. 18. BURLINGTON WATERFRONT TIF

(a) The authority of the City of Burlington to incur indebtedness for its waterfront tax increment financing district is hereby extended for five years beginning January 1, 2015; provided, however, that the City is authorized to extend the period to incur indebtedness for 6.5 years beginning on January 1, 2015 for three properties located within the waterfront tax increment financing district at 49 Church Street and 75 Cherry Street, as designated on the City's Tax Parcel Maps as the following:

- (1) Parcel ID# 044-4-004-000;
- (2) Parcel ID# 044-4-004-001;
- (3) Parcel ID# 044-4-033-000.

* * *

~~(c) The extension of the period to incur indebtedness for the specific parcels in subdivision (a)(1)–(3) of this section is subject to the City of Burlington's submission to the Vermont Economic Progress Council of an executed construction contract with a completion guarantee by the owner of the parcels evidencing commitment to construct not less than \$50 million of private development on the parcels.~~

* * * Effective Dates * * *

Sec. 31. EFFECTIVE DATES

This act shall take effect on passage except:

(1) Notwithstanding 1 V.S.A. § 214, Sec. 8, 32 V.S.A. § 5870 (use tax reporting), shall take effect retroactively on January 1, 2020 and apply to taxable years beginning on and after January 1, 2020.

(2) Sec. 11 (universal service charge) shall take effect on July 1, 2021.

(3) Notwithstanding 1 V.S.A. § 214, Secs. 13–14 (annual link to federal statutes) shall take effect retroactively on January 1, 2020 and apply to taxable years beginning on and after January 1, 2019.

(4) Notwithstanding 1 V.S.A. § 214, Sec. 16 (TY 2016 refunds) shall take effect retroactively on April 15, 2020.

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

Rules Suspended; House Proposal of Amendment Concurred In**S. 354.**

Pending entry on the Calendar for notice, on motion of Senator Ashe, the rules were suspended and House proposal of amendment to Senate bill entitled:

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

Was taken up for immediate consideration.

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

Sec. 1. MUNICIPAL MEETINGS IN THE YEAR 2021; AUSTRALIAN
BALLOT AUTHORITY

(a)(1) Notwithstanding the provisions of 17 V.S.A. § 2680(a) and 16 V.S.A. § 711e that require the voters of a municipality to vote to apply the provisions of the Australian ballot system to the annual or special meeting of the municipality, in the year 2021, any municipality may apply the Australian ballot system to any or all of its municipal meetings held in the year 2021 by vote of its legislative body.

(2) Notwithstanding 17 V.S.A. § 2681(b) or any other provision of law to the contrary, a person shall not be required to collect voter signatures in order to have the person's name placed on the ballot as a candidate for a local election that is held at a 2021 municipal meeting.

(b) The Secretary of State may waive statutory deadlines or other statutory provisions, or provisions set forth in a school district's articles of agreement, related to a municipal election as necessary in order for a municipality to apply the Australian ballot system to its meeting in accordance with subsection (a) of this section. This waiver authority applies to statutory provisions set forth in a municipal charter or provisions set forth in a school district's articles of agreement if the waiver is requested by that municipality.

Sec. 2. 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 using Australian ballot for municipal meetings in the year 2021.

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

**Rules Suspended; Report of Committee of Conference Accepted and
Adopted on the Part of the Senate**

H. 969.

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

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

Was taken up for immediate consideration.

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

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

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

H. 969. An act relating to making appropriations for the support of government.

Respectfully reports that it has met and considered the same and recommends that the Senate recede from its proposal of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2021 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2021. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those that can be supported by funds appropriated in this act or other acts passed prior to June 30, 2020. Agency and department heads are directed to implement staffing and service levels in fiscal year 2021 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serves as the primary source and reference for appropriations for fiscal year 2021.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending on June 30, 2021.

Sec. A.102.1 RELATIONSHIP WITH 2020 ACTS AND RESOLVES
NO. 120; REPEALS

(a) In order to respond promptly to the impact of the COVID-19 pandemic on the State of Vermont and its economy, the General Assembly enacted 2020 Acts and Resolves No. 120 in July 2020 to support the operations of State government during the first quarter of fiscal year 2021. Since that time, it has become apparent that it is preferable to enact appropriations to support the operations of State government for the entirety of fiscal year 2021, and certain appropriations from 2020 Acts and Resolves No. 120 must be repealed as set forth in subsection (b) of this section in order to provide for the full-year appropriations.

(b) The following are repealed:

(1) 2020 Acts and Resolves No. 120, Sec. A.3(a) (appropriations for the first quarter of fiscal year 2021);

(2) 2020 Acts and Resolves No. 120, Sec. A.4 (Phase I prorated appropriations fiscal year 2021 first quarter);

(3) the language following 2020 Acts and Resolves No. 120, Sec. A.6 but preceding Sec. A.7 (budgetary specifications and amounts); and

(4) 2020 Acts and Resolves No. 120, Sec. A.54(b) (narrative portions apply only to first quarter of fiscal year 2021).

(c) In the event of a conflict between the provisions of this act and the provisions of 2020 Acts and Resolves No. 120, the provisions of this act shall control.

Sec. A.103 DEFINITIONS

(a) As used in this act:

(1) “Encumbrances” means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The

Commissioner of Finance and Management shall make final decisions on the appropriateness of encumbrances.

(2) "Grants" means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to persons who are not wards of the State for services or supplies and means cash or other direct assistance, including pension contributions.

(3) "Operating expenses" means property management; repair and maintenance; rental expenses; insurance; postage; travel; energy and utilities; office and other supplies; equipment, including motor vehicles, highway materials, and construction; expenditures for the purchase of land and construction of new buildings and permanent improvements; and similar items.

(4) "Personal services" means wages and salaries, fringe benefits, per diems, contracted third-party services, and similar items.

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

Sec. A.105 OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the State appropriations shall control, notwithstanding receipts being greater or less than anticipated.

Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2021, the Governor, with the approval of the General Assembly or the Joint Fiscal Committee if the General Assembly is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The Governor, with the approval of the General Assembly or the Joint Fiscal Committee if the General Assembly is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2021, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2020 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for not more than 45 days prior to Legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the

Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor's request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(a)(11), shall not be increased during fiscal year 2021 except for new positions authorized by the 2020 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriations of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations or government functions, or both. The function areas by section numbers are as follows:

| | |
|--|---|
| <u>B.100–B.199 and E.100–E.199</u> | <u>General Government</u> |
| <u>B.200–B.299 and E.200–E.299</u> | <u>Protection to Persons and Property</u> |
| <u>B.300–B.399 and E.300–E.399</u> | <u>Human Services</u> |
| <u>B.400–B.499 and E.400–E.499</u> | <u>Labor</u> |
| <u>B.500–B.599 and E.500–E.599</u> | <u>General Education</u> |
| <u>B.600–B.699 and E.600–E.699</u> | <u>Higher Education</u> |
| <u>B.700–B.799 and E.700–E.799</u> | <u>Natural Resources</u> |
| <u>B.800–B.899 and E.800–E.899</u> | <u>Commerce and Community Development</u> |
| <u>B.900–B.999 and E.900–E.999</u> | <u>Transportation</u> |
| <u>B.1000–B.1099 and E.1000–E.1099</u> | <u>Debt Service</u> |
| <u>B.1100–B.1199 and E.1100–E.1199</u> | <u>One-time and other appropriation actions</u> |

(b) The D sections contain fund transfers and reserve allocations for the upcoming budget year, the F section contains legislative intent for Pay Act, and the G section amends the Transportation Bill.

Sec. B.100 Secretary of administration - secretary's office

Personal services

1,161,363

| | |
|---|------------------|
| Operating expenses | <u>222,403</u> |
| Total | 1,383,766 |
| Source of funds | |
| General fund | 862,455 |
| Special funds | 169,000 |
| Internal service funds | 173,452 |
| Interdepartmental transfers | <u>178,859</u> |
| Total | 1,383,766 |
| Sec. B.101 Secretary of administration - finance | |
| Personal services | 1,174,127 |
| Operating expenses | <u>138,555</u> |
| Total | 1,312,682 |
| Source of funds | |
| Interdepartmental transfers | <u>1,312,682</u> |
| Total | 1,312,682 |
| Sec. B.102 Secretary of administration - workers' compensation insurance | |
| Personal services | 592,195 |
| Operating expenses | <u>70,531</u> |
| Total | 662,726 |
| Source of funds | |
| Internal service funds | <u>662,726</u> |
| Total | 662,726 |
| Sec. B.103 Secretary of administration - general liability insurance | |
| Personal services | 582,921 |
| Operating expenses | <u>40,556</u> |
| Total | 623,477 |
| Source of funds | |
| Internal service funds | <u>623,477</u> |
| Total | 623,477 |
| Sec. B.104 Secretary of administration - all other insurance | |
| Operating expenses | <u>20,901</u> |
| Total | 20,901 |
| Source of funds | |
| Internal service funds | <u>20,901</u> |
| Total | 20,901 |
| Sec. B.105 Agency of digital services - communications and information technology | |
| Personal services | 54,916,361 |

| | |
|---|-------------------|
| Operating expenses | <u>26,310,083</u> |
| Total | 81,226,444 |
| Source of funds | |
| General fund | 174,342 |
| Special funds | 387,710 |
| Internal service funds | <u>80,664,392</u> |
| Total | 81,226,444 |
| Sec. B.106 Finance and management - budget and management | |
| Personal services | 1,566,326 |
| Operating expenses | <u>334,033</u> |
| Total | 1,900,359 |
| Source of funds | |
| General fund | 1,284,367 |
| Internal service funds | <u>615,992</u> |
| Total | 1,900,359 |
| Sec. B.107 Finance and management - financial operations | |
| Personal services | 2,045,137 |
| Operating expenses | <u>806,670</u> |
| Total | 2,851,807 |
| Source of funds | |
| Internal service funds | <u>2,851,807</u> |
| Total | 2,851,807 |
| Sec. B.108 Human resources - operations | |
| Personal services | 8,314,246 |
| Operating expenses | <u>1,294,899</u> |
| Total | 9,609,145 |
| Source of funds | |
| General fund | 1,934,763 |
| Special funds | 263,589 |
| Internal service funds | 6,595,152 |
| Interdepartmental transfers | <u>815,641</u> |
| Total | 9,609,145 |
| Sec. B.108.1 Human resources - VTHR operations | |
| Personal services | 1,881,896 |
| Operating expenses | <u>857,885</u> |
| Total | 2,739,781 |
| Source of funds | |
| Internal service funds | <u>2,739,781</u> |
| Total | 2,739,781 |

 Sec. B.109 Human resources - employee benefits & wellness

| | |
|------------------------|------------------|
| Personal services | 956,824 |
| Operating expenses | <u>599,505</u> |
| Total | 1,556,329 |
| Source of funds | |
| Internal service funds | <u>1,556,329</u> |
| Total | 1,556,329 |

Sec. B.110 Libraries

| | |
|-----------------------------|----------------|
| Personal services | 2,034,994 |
| Operating expenses | 1,125,460 |
| Grants | <u>207,510</u> |
| Total | 3,367,964 |
| Source of funds | |
| General fund | 2,007,822 |
| Special funds | 107,828 |
| Federal funds | 1,153,855 |
| Interdepartmental transfers | <u>98,459</u> |
| Total | 3,367,964 |

Sec. B.111 Tax - administration/collection

| | |
|---------------------------------|------------------|
| Personal services | 16,057,851 |
| Operating expenses | <u>5,969,247</u> |
| Total | 22,027,098 |
| Source of funds | |
| General fund | 19,989,515 |
| Special funds | 1,680,474 |
| Federal Coronavirus Relief Fund | 323,000 |
| Interdepartmental transfers | <u>34,109</u> |
| Total | 22,027,098 |

Sec. B.112 Buildings and general services - administration

| | |
|-----------------------------|----------------|
| Personal services | 705,098 |
| Operating expenses | <u>113,692</u> |
| Total | 818,790 |
| Source of funds | |
| Interdepartmental transfers | <u>818,790</u> |
| Total | 818,790 |

Sec. B.113 Buildings and general services - engineering

| | |
|--------------------|------------------|
| Personal services | 2,634,238 |
| Operating expenses | <u>1,481,665</u> |

| | |
|---|------------------|
| Total | 4,115,903 |
| Source of funds | |
| Interdepartmental transfers | <u>4,115,903</u> |
| Total | 4,115,903 |
| Sec. B.114 Buildings and general services - information centers | |
| Personal services | 3,351,401 |
| Operating expenses | <u>2,024,480</u> |
| Total | 5,375,881 |
| Source of funds | |
| General fund | 630,652 |
| Transportation fund | 3,911,594 |
| Special funds | 473,635 |
| Federal Coronavirus Relief Fund | <u>360,000</u> |
| Total | 5,375,881 |
| Sec. B.115 Buildings and general services - purchasing | |
| Personal services | 1,156,061 |
| Operating expenses | <u>182,508</u> |
| Total | 1,338,569 |
| Source of funds | |
| General fund | 1,240,679 |
| Interdepartmental transfers | <u>97,890</u> |
| Total | 1,338,569 |
| Sec. B.116 Buildings and general services - postal services | |
| Personal services | 719,120 |
| Operating expenses | <u>205,867</u> |
| Total | 924,987 |
| Source of funds | |
| General fund | 82,511 |
| Internal service funds | <u>842,476</u> |
| Total | 924,987 |
| Sec. B.117 Buildings and general services - copy center | |
| Personal services | 795,615 |
| Operating expenses | <u>141,332</u> |
| Total | 936,947 |
| Source of funds | |
| Internal service funds | <u>936,947</u> |
| Total | 936,947 |

 Sec. B.118 Buildings and general services - fleet management services

| | |
|------------------------|----------------|
| Personal services | 730,622 |
| Operating expenses | <u>205,336</u> |
| Total | 935,958 |
| Source of funds | |
| Internal service funds | <u>935,958</u> |
| Total | 935,958 |

Sec. B.119 Buildings and general services - federal surplus property

| | |
|--------------------|--------------|
| Operating expenses | <u>6,840</u> |
| Total | 6,840 |
| Source of funds | |
| Enterprise funds | <u>6,840</u> |
| Total | 6,840 |

Sec. B.120 Buildings and general services - state surplus property

| | |
|------------------------|----------------|
| Personal services | 307,143 |
| Operating expenses | <u>120,366</u> |
| Total | 427,509 |
| Source of funds | |
| Internal service funds | <u>427,509</u> |
| Total | 427,509 |

Sec. B.121 Buildings and general services - property management

| | |
|---------------------------------|------------------|
| Personal services | 1,312,169 |
| Operating expenses | <u>2,044,693</u> |
| Total | 3,356,862 |
| Source of funds | |
| Federal Coronavirus Relief Fund | 1,583,332 |
| Internal service funds | <u>1,773,530</u> |
| Total | 3,356,862 |

Sec. B.122 Buildings and general services - fee for space

| | |
|---------------------------------|-------------------|
| Personal services | 16,527,274 |
| Operating expenses | <u>14,546,673</u> |
| Total | 31,073,947 |
| Source of funds | |
| Federal Coronavirus Relief Fund | 1,508,433 |
| Internal service funds | <u>29,565,514</u> |
| Total | 31,073,947 |

 Sec. B.124 Executive office - governor's office

| | |
|-----------------------------|----------------|
| Personal services | 1,416,509 |
| Operating expenses | <u>438,761</u> |
| Total | 1,855,270 |
| Source of funds | |
| General fund | 1,657,770 |
| Interdepartmental transfers | <u>197,500</u> |
| Total | 1,855,270 |

Sec. B.125 Legislative counsel

| | |
|--------------------|------------------|
| Personal services | 2,992,514 |
| Operating expenses | <u>195,019</u> |
| Total | 3,187,533 |
| Source of funds | |
| General fund | <u>3,187,533</u> |
| Total | 3,187,533 |

Sec. B.126 Legislature

| | |
|--------------------|------------------|
| Personal services | 4,920,731 |
| Operating expenses | <u>3,770,358</u> |
| Total | 8,691,089 |
| Source of funds | |
| General fund | <u>8,691,089</u> |
| Total | 8,691,089 |

Sec. B.126.1 Legislative information technology

| | |
|--------------------|------------------|
| Personal services | 821,918 |
| Operating expenses | <u>597,901</u> |
| Total | 1,419,819 |
| Source of funds | |
| General fund | <u>1,419,819</u> |
| Total | 1,419,819 |

Sec. B.127 Joint fiscal committee

| | |
|--------------------|------------------|
| Personal services | 1,938,162 |
| Operating expenses | <u>155,608</u> |
| Total | 2,093,770 |
| Source of funds | |
| General fund | <u>2,093,770</u> |
| Total | 2,093,770 |

Sec. B.128 Sergeant at arms

| | |
|--------------------|----------------|
| Personal services | 844,931 |
| Operating expenses | <u>106,888</u> |
| Total | 951,819 |
| Source of funds | |
| General fund | <u>951,819</u> |
| Total | 951,819 |

Sec. B.129 Lieutenant governor

| | |
|--------------------|----------------|
| Personal services | 232,147 |
| Operating expenses | <u>31,744</u> |
| Total | 263,891 |
| Source of funds | |
| General fund | <u>263,891</u> |
| Total | 263,891 |

Sec. B.130 Auditor of accounts

| | |
|------------------------|------------------|
| Personal services | 3,450,125 |
| Operating expenses | <u>132,055</u> |
| Total | 3,582,180 |
| Source of funds | |
| General fund | 314,921 |
| Special funds | 53,145 |
| Internal service funds | <u>3,214,114</u> |
| Total | 3,582,180 |

Sec. B.131 State treasurer

| | |
|-----------------------------|----------------|
| Personal services | 3,922,112 |
| Operating expenses | <u>215,303</u> |
| Total | 4,137,415 |
| Source of funds | |
| General fund | 975,600 |
| Special funds | 3,021,695 |
| Interdepartmental transfers | <u>140,120</u> |
| Total | 4,137,415 |

Sec. B.132 State treasurer - unclaimed property

| | |
|--------------------|----------------|
| Personal services | 722,425 |
| Operating expenses | <u>412,394</u> |
| Total | 1,134,819 |
| Source of funds | |

| | |
|---|------------------|
| Private purpose trust funds | <u>1,134,819</u> |
| Total | 1,134,819 |
| Sec. B.133 Vermont state retirement system | |
| Personal services | 4,221,259 |
| Operating expenses | <u>1,451,382</u> |
| Total | 5,672,641 |
| Source of funds | |
| Pension trust funds | <u>5,672,641</u> |
| Total | 5,672,641 |
| Sec. B.134 Municipal employees' retirement system | |
| Personal services | 1,669,165 |
| Operating expenses | <u>929,754</u> |
| Total | 2,598,919 |
| Source of funds | |
| Pension trust funds | <u>2,598,919</u> |
| Total | 2,598,919 |
| Sec. B.135 State labor relations board | |
| Personal services | 243,590 |
| Operating expenses | <u>52,873</u> |
| Total | 296,463 |
| Source of funds | |
| General fund | 286,887 |
| Special funds | 6,788 |
| Interdepartmental transfers | <u>2,788</u> |
| Total | 296,463 |
| Sec. B.136 VOSHA review board | |
| Personal services | 77,400 |
| Operating expenses | <u>13,899</u> |
| Total | 91,299 |
| Source of funds | |
| General fund | 45,650 |
| Interdepartmental transfers | <u>45,649</u> |
| Total | 91,299 |
| Sec. B.136.1 Ethics Commission | |
| Personal services | 85,030 |
| Operating expenses | <u>28,287</u> |
| Total | 113,317 |
| Source of funds | |

| | |
|--|-------------------|
| Internal service funds | <u>113,317</u> |
| Total | 113,317 |
| Sec. B.137 Homeowner rebate | |
| Grants | <u>17,100,000</u> |
| Total | 17,100,000 |
| Source of funds | |
| General fund | <u>17,100,000</u> |
| Total | 17,100,000 |
| Sec. B.138 Renter rebate | |
| Grants | <u>9,500,000</u> |
| Total | 9,500,000 |
| Source of funds | |
| General fund | <u>9,500,000</u> |
| Total | 9,500,000 |
| Sec. B.139 Tax department - reappraisal and listing payments | |
| Grants | <u>3,310,000</u> |
| Total | 3,310,000 |
| Source of funds | |
| General fund | <u>3,310,000</u> |
| Total | 3,310,000 |
| Sec. B.140 Municipal current use | |
| Grants | <u>16,985,000</u> |
| Total | 16,985,000 |
| Source of funds | |
| General fund | <u>16,985,000</u> |
| Total | 16,985,000 |
| Sec. B.142 Payments in lieu of taxes | |
| Grants | <u>9,250,000</u> |
| Total | 9,250,000 |
| Source of funds | |
| Special funds | <u>9,250,000</u> |
| Total | 9,250,000 |
| Sec. B.143 Payments in lieu of taxes - Montpelier | |
| Grants | <u>184,000</u> |
| Total | 184,000 |
| Source of funds | |

| | |
|--|------------------|
| Special funds | <u>184,000</u> |
| Total | 184,000 |
| Sec. B.144 Payments in lieu of taxes - correctional facilities | |
| Grants | <u>40,000</u> |
| Total | 40,000 |
| Source of funds | |
| Special funds | <u>40,000</u> |
| Total | 40,000 |
| Sec. B.145 Total general government | |
| Source of funds | |
| General fund | 94,990,855 |
| Transportation fund | 3,911,594 |
| Special funds | 15,637,864 |
| Federal Coronavirus Relief Fund | 3,774,765 |
| Federal funds | 1,153,855 |
| Internal service funds | 134,313,374 |
| Interdepartmental transfers | 7,858,390 |
| Enterprise funds | 6,840 |
| Pension trust funds | 8,271,560 |
| Private purpose trust funds | <u>1,134,819</u> |
| Total | 271,053,916 |
| Sec. B.200 Attorney general | |
| Personal services | 11,024,159 |
| Operating expenses | 1,501,091 |
| Grants | <u>26,500</u> |
| Total | 12,551,750 |
| Source of funds | |
| General fund | 5,622,679 |
| Special funds | 1,889,888 |
| Tobacco fund | 348,000 |
| Federal Coronavirus Relief Fund | 65,000 |
| Federal funds | 1,427,372 |
| Interdepartmental transfers | <u>3,198,811</u> |
| Total | 12,551,750 |
| Sec. B.201 Vermont court diversion | |
| Personal services | <u>2,892,018</u> |
| Total | 2,892,018 |
| Source of funds | |
| General fund | 2,634,021 |

| | |
|--|------------------|
| Special funds | <u>257,997</u> |
| Total | 2,892,018 |
| Sec. B.202 Defender general - public defense | |
| Personal services | 12,545,480 |
| Operating expenses | <u>1,238,697</u> |
| Total | 13,784,177 |
| Source of funds | |
| General fund | 13,194,524 |
| Special funds | <u>589,653</u> |
| Total | 13,784,177 |
| Sec. B.203 Defender general - assigned counsel | |
| Personal services | 5,624,532 |
| Operating expenses | <u>49,819</u> |
| Total | 5,674,351 |
| Source of funds | |
| General fund | <u>5,674,351</u> |
| Total | 5,674,351 |
| Sec. B.204 Judiciary | |
| Personal services | 42,721,022 |
| Operating expenses | 10,250,953 |
| Grants | <u>121,030</u> |
| Total | 53,093,005 |
| Source of funds | |
| General fund | 46,927,245 |
| Special funds | 3,182,775 |
| Federal funds | 887,586 |
| Interdepartmental transfers | <u>2,095,399</u> |
| Total | 53,093,005 |
| Sec. B.205 State's attorneys | |
| Personal services | 14,153,831 |
| Operating expenses | <u>1,887,257</u> |
| Total | 16,041,088 |
| Source of funds | |
| General fund | 13,075,933 |
| Special funds | 75,502 |
| Federal funds | 232,812 |
| Interdepartmental transfers | <u>2,656,841</u> |
| Total | 16,041,088 |

| | |
|---|------------------|
| Sec. B.206 Special investigative unit | |
| Personal services | 91,700 |
| Grants | <u>2,008,730</u> |
| Total | 2,100,430 |
| Source of funds | |
| General fund | <u>2,100,430</u> |
| Total | 2,100,430 |
| Sec. B.207 Sheriffs | |
| Personal services | 4,207,301 |
| Operating expenses | <u>427,938</u> |
| Total | 4,635,239 |
| Source of funds | |
| General fund | <u>4,635,239</u> |
| Total | 4,635,239 |
| Sec. B.208 Public safety - administration | |
| Personal services | 3,814,172 |
| Operating expenses | 5,170,877 |
| Grants | <u>200,000</u> |
| Total | 9,185,049 |
| Source of funds | |
| General fund | 5,115,145 |
| Special funds | 5,000 |
| Federal funds | 567,444 |
| Interdepartmental transfers | <u>3,497,460</u> |
| Total | 9,185,049 |
| Sec. B.209 Public safety - state police | |
| Personal services | 59,804,906 |
| Operating expenses | 11,932,334 |
| Grants | <u>1,693,707</u> |
| Total | 73,430,947 |
| Source of funds | |
| General fund | 28,156,891 |
| Transportation fund | 13,350,000 |
| Special funds | 3,145,278 |
| Federal Coronavirus Relief Fund | 21,790,000 |
| Federal funds | 5,023,746 |
| Interdepartmental transfers | <u>1,965,032</u> |
| Total | 73,430,947 |

Sec. B.210 Public safety - criminal justice services

| | |
|--------------------|------------------|
| Personal services | 4,408,296 |
| Operating expenses | <u>1,736,361</u> |
| Total | 6,144,657 |
| Source of funds | |
| General fund | 1,875,235 |
| Special funds | 3,422,917 |
| Federal funds | <u>846,505</u> |
| Total | 6,144,657 |

Sec. B.211 Public safety - emergency management

| | |
|--------------------|------------------|
| Personal services | 3,348,216 |
| Operating expenses | 1,058,257 |
| Grants | <u>6,837,088</u> |
| Total | 11,243,561 |
| Source of funds | |
| General fund | 591,482 |
| Special funds | 710,000 |
| Federal funds | <u>9,942,079</u> |
| Total | 11,243,561 |

Sec. B.212 Public safety - fire safety

| | |
|-----------------------------|----------------|
| Personal services | 6,758,594 |
| Operating expenses | 2,709,174 |
| Grants | <u>107,000</u> |
| Total | 9,574,768 |
| Source of funds | |
| General fund | 471,233 |
| Special funds | 8,578,330 |
| Federal funds | 480,205 |
| Interdepartmental transfers | <u>45,000</u> |
| Total | 9,574,768 |

Sec. B.213 Public safety - Forensic Laboratory

| | |
|--------------------|------------------|
| Personal services | 3,062,738 |
| Operating expenses | <u>1,153,797</u> |
| Total | 4,216,535 |
| Source of funds | |
| General fund | 3,230,986 |
| Special funds | 77,518 |
| Federal funds | 534,594 |

| | |
|---|-------------------|
| Interdepartmental transfers | <u>373,437</u> |
| Total | 4,216,535 |
| Sec. B.215 Military - administration | |
| Personal services | 824,691 |
| Operating expenses | 581,182 |
| Grants | <u>1,362,806</u> |
| Total | 2,768,679 |
| Source of funds | |
| General fund | 2,696,229 |
| Federal Coronavirus Relief Fund | <u>72,450</u> |
| Total | 2,768,679 |
| Sec. B.216 Military - air service contract | |
| Personal services | 6,685,435 |
| Operating expenses | <u>687,491</u> |
| Total | 7,372,926 |
| Source of funds | |
| General fund | 573,198 |
| Federal funds | <u>6,799,728</u> |
| Total | 7,372,926 |
| Sec. B.217 Military - army service contract | |
| Personal services | 36,209,910 |
| Operating expenses | <u>7,480,579</u> |
| Total | 43,690,489 |
| Source of funds | |
| Federal funds | <u>43,690,489</u> |
| Total | 43,690,489 |
| Sec. B.218 Military - building maintenance | |
| Personal services | 857,530 |
| Operating expenses | <u>732,049</u> |
| Total | 1,589,579 |
| Source of funds | |
| General fund | 1,527,079 |
| Special funds | <u>62,500</u> |
| Total | 1,589,579 |
| Sec. B.219 Military - veterans' affairs | |
| Personal services | 862,936 |
| Operating expenses | 154,087 |

| | |
|---|-------------------|
| Grants | <u>51,280</u> |
| Total | 1,068,303 |
| Source of funds | |
| General fund | 817,206 |
| Special funds | 151,512 |
| Federal funds | <u>99,585</u> |
| Total | 1,068,303 |
| Sec. B.220 Center for crime victim services | |
| Personal services | 2,167,869 |
| Operating expenses | 406,178 |
| Grants | <u>11,185,424</u> |
| Total | 13,759,471 |
| Source of funds | |
| General fund | 1,232,712 |
| Special funds | 5,354,316 |
| Federal funds | <u>7,172,443</u> |
| Total | 13,759,471 |
| Sec. B.221 Criminal justice training council | |
| Personal services | 1,564,725 |
| Operating expenses | <u>1,342,981</u> |
| Total | 2,907,706 |
| Source of funds | |
| General fund | 2,609,420 |
| Federal Coronavirus Relief Fund | 13,000 |
| Interdepartmental transfers | <u>285,286</u> |
| Total | 2,907,706 |
| Sec. B.222 Agriculture, food and markets - administration | |
| Personal services | 1,811,267 |
| Operating expenses | 424,512 |
| Grants | <u>257,972</u> |
| Total | 2,493,751 |
| Source of funds | |
| General fund | 972,156 |
| Special funds | 886,366 |
| Federal Coronavirus Relief Fund | 209,162 |
| Federal funds | <u>426,067</u> |
| Total | 2,493,751 |

 Sec. B.223 Agriculture, food and markets - food safety and consumer protection

| | |
|---------------------------------|------------------|
| Personal services | 4,240,533 |
| Operating expenses | 727,159 |
| Grants | <u>2,750,000</u> |
| Total | 7,717,692 |
| Source of funds | |
| General fund | 2,859,758 |
| Special funds | 3,608,289 |
| Federal Coronavirus Relief Fund | 120,560 |
| Federal funds | 1,122,085 |
| Interdepartmental transfers | <u>7,000</u> |
| Total | 7,717,692 |

Sec. B.224 Agriculture, food and markets - agricultural development

| | |
|---------------------------------|------------------|
| Personal services | 2,488,190 |
| Operating expenses | 1,086,519 |
| Grants | <u>1,394,875</u> |
| Total | 4,969,584 |
| Source of funds | |
| General fund | 1,922,062 |
| Special funds | 706,100 |
| Federal Coronavirus Relief Fund | 683,806 |
| Federal funds | <u>1,657,616</u> |
| Total | 4,969,584 |

Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship

| | |
|---------------------------------|----------------|
| Personal services | 2,795,230 |
| Operating expenses | 612,025 |
| Grants | <u>295,334</u> |
| Total | 3,702,589 |
| Source of funds | |
| General fund | 780,733 |
| Special funds | 2,027,250 |
| Federal Coronavirus Relief Fund | 122,758 |
| Federal funds | 492,242 |
| Interdepartmental transfers | <u>279,606</u> |
| Total | 3,702,589 |

 Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab

| | |
|---------------------------------|----------------|
| Personal services | 1,653,896 |
| Operating expenses | <u>976,775</u> |
| Total | 2,630,671 |
| Source of funds | |
| General fund | 877,641 |
| Special funds | 1,613,587 |
| Federal Coronavirus Relief Fund | 74,414 |
| Interdepartmental transfers | <u>65,029</u> |
| Total | 2,630,671 |

Sec. B.225.2 Agriculture, Food and Markets - Clean Water

| | |
|---------------------------------|------------------|
| Personal services | 3,498,888 |
| Operating expenses | 506,209 |
| Grants | <u>3,097,498</u> |
| Total | 7,102,595 |
| Source of funds | |
| General fund | 1,212,113 |
| Special funds | 4,987,335 |
| Federal Coronavirus Relief Fund | 300,014 |
| Federal funds | 131,927 |
| Interdepartmental transfers | <u>471,206</u> |
| Total | 7,102,595 |

Sec. B.226 Financial regulation - administration

| | |
|--------------------|------------------|
| Personal services | 2,076,246 |
| Operating expenses | <u>287,859</u> |
| Total | 2,364,105 |
| Source of funds | |
| Special funds | <u>2,364,105</u> |
| Total | 2,364,105 |

Sec. B.227 Financial regulation - banking

| | |
|--------------------|------------------|
| Personal services | 1,906,394 |
| Operating expenses | <u>437,356</u> |
| Total | 2,343,750 |
| Source of funds | |
| Special funds | <u>2,343,750</u> |
| Total | 2,343,750 |

| | |
|---|------------------|
| Sec. B.228 Financial regulation - insurance | |
| Personal services | 4,138,090 |
| Operating expenses | <u>601,092</u> |
| Total | 4,739,182 |
| Source of funds | |
| Special funds | <u>4,739,182</u> |
| Total | 4,739,182 |
| Sec. B.229 Financial regulation - captive insurance | |
| Personal services | 4,593,766 |
| Operating expenses | <u>632,506</u> |
| Total | 5,226,272 |
| Source of funds | |
| Special funds | <u>5,226,272</u> |
| Total | 5,226,272 |
| Sec. B.230 Financial regulation - securities | |
| Personal services | 1,072,526 |
| Operating expenses | <u>258,031</u> |
| Total | 1,330,557 |
| Source of funds | |
| Special funds | <u>1,330,557</u> |
| Total | 1,330,557 |
| Sec. B.232 Secretary of state | |
| Personal services | 10,076,918 |
| Operating expenses | <u>3,008,151</u> |
| Total | 13,085,069 |
| Source of funds | |
| Special funds | 11,754,833 |
| Federal funds | <u>1,330,236</u> |
| Total | 13,085,069 |
| Sec. B.233 Public service - regulation and energy | |
| Personal services | 10,344,756 |
| Operating expenses | 1,140,012 |
| Grants | <u>1,339,181</u> |
| Total | 12,823,949 |
| Source of funds | |
| Special funds | 11,366,409 |
| Federal funds | 652,800 |
| ARRA funds | 600,000 |

| | |
|--|------------------|
| Interdepartmental transfers | 150,000 |
| Enterprise funds | <u>54,740</u> |
| Total | 12,823,949 |
| Sec. B.234 Public utility commission | |
| Personal services | 3,421,027 |
| Operating expenses | <u>483,432</u> |
| Total | 3,904,459 |
| Source of funds | |
| Special funds | <u>3,904,459</u> |
| Total | 3,904,459 |
| Sec. B.235 Enhanced 9-1-1 Board | |
| Personal services | 4,290,478 |
| Operating expenses | <u>517,948</u> |
| Total | 4,808,426 |
| Source of funds | |
| Special funds | <u>4,808,426</u> |
| Total | 4,808,426 |
| Sec. B.236 Human rights commission | |
| Personal services | 632,351 |
| Operating expenses | <u>79,278</u> |
| Total | 711,629 |
| Source of funds | |
| General fund | 637,188 |
| Federal funds | <u>74,441</u> |
| Total | 711,629 |
| Sec. B.236.1 Liquor & Lottery Comm. Office | |
| Personal services | 409,198 |
| Operating expenses | <u>8,550</u> |
| Total | 417,748 |
| Source of funds | |
| Enterprise funds | <u>417,748</u> |
| Total | 417,748 |
| Sec. B.236.2 Lottery Operations | |
| Personal services | 1,953,634 |
| Operating expenses | 1,423,556 |
| Grants | <u>250,000</u> |
| Total | 3,627,190 |
| Source of funds | |

| | |
|--|-------------------|
| Enterprise funds | <u>3,627,190</u> |
| Total | 3,627,190 |
| Sec. B.237 Liquor control - administration | |
| Personal services | 3,792,370 |
| Operating expenses | <u>1,267,339</u> |
| Total | 5,059,709 |
| Source of funds | |
| Tobacco fund | 213,843 |
| Enterprise funds | <u>4,845,866</u> |
| Total | 5,059,709 |
| Sec. B.238 Liquor control - enforcement and licensing | |
| Personal services | 1,953,092 |
| Operating expenses | <u>465,104</u> |
| Total | 2,418,196 |
| Source of funds | |
| Federal funds | 184,484 |
| Enterprise funds | <u>2,233,712</u> |
| Total | 2,418,196 |
| Sec. B.239 Liquor control - warehousing and distribution | |
| Personal services | 1,131,461 |
| Operating expenses | <u>486,434</u> |
| Total | 1,617,895 |
| Source of funds | |
| Enterprise funds | <u>1,617,895</u> |
| Total | 1,617,895 |
| Sec. B.240 Total protection to persons and property | |
| Source of funds | |
| General fund | 152,022,889 |
| Transportation fund | 13,350,000 |
| Special funds | 89,170,106 |
| Tobacco fund | 561,843 |
| Federal Coronavirus Relief Fund | 23,451,164 |
| Federal funds | 83,776,486 |
| ARRA funds | 600,000 |
| Interdepartmental transfers | 15,090,107 |
| Enterprise funds | <u>12,797,151</u> |
| Total | 390,819,746 |

 Sec. B.300 Human services - agency of human services - secretary's office

| | |
|-----------------------------|------------------|
| Personal services | 11,121,179 |
| Operating expenses | 5,183,112 |
| Grants | <u>8,818,674</u> |
| Total | 25,122,965 |
| Source of funds | |
| General fund | 14,043,208 |
| Special funds | 135,517 |
| Federal funds | 9,910,637 |
| Global Commitment fund | 453,000 |
| Interdepartmental transfers | <u>580,603</u> |
| Total | 25,122,965 |

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

| | |
|----------------------------------|----------------------|
| Grants | <u>1,623,904,822</u> |
| Total | 1,623,904,822 |
| Source of funds | |
| General fund | 522,372,868 |
| Special funds | 32,293,557 |
| Tobacco fund | 21,049,373 |
| State health care resources fund | 17,078,501 |
| Federal funds | 1,020,542,541 |
| Interdepartmental transfers | <u>10,567,982</u> |
| Total | 1,623,904,822 |

Sec. B.303 Developmental disabilities council

| | |
|--------------------|----------------|
| Personal services | 379,199 |
| Operating expenses | 95,146 |
| Grants | <u>191,595</u> |
| Total | 665,940 |
| Source of funds | |
| Special funds | 12,000 |
| Federal funds | <u>653,940</u> |
| Total | 665,940 |

Sec. B.304 Human services board

| | |
|--------------------|---------------|
| Personal services | 739,318 |
| Operating expenses | <u>89,159</u> |
| Total | 828,477 |
| Source of funds | |
| General fund | 474,716 |

| | |
|---|--------------------|
| Federal funds | <u>353,761</u> |
| Total | 828,477 |
| Sec. B.305 AHS - administrative fund | |
| Personal services | 330,000 |
| Operating expenses | <u>10,170,000</u> |
| Total | 10,500,000 |
| Source of funds | |
| Interdepartmental transfers | <u>10,500,000</u> |
| Total | 10,500,000 |
| Sec. B.306 Department of Vermont health access - administration | |
| Personal services | 129,834,613 |
| Operating expenses | 26,285,655 |
| Grants | <u>5,192,301</u> |
| Total | 161,312,569 |
| Source of funds | |
| General fund | 32,314,433 |
| Special funds | 3,378,509 |
| Federal funds | 116,496,036 |
| Global Commitment fund | 4,330,710 |
| Interdepartmental transfers | <u>4,792,881</u> |
| Total | 161,312,569 |
| Sec. B.307 Department of Vermont health access - Medicaid program - global commitment | |
| Personal services | 547,983 |
| Grants | <u>726,492,200</u> |
| Total | 727,040,183 |
| Source of funds | |
| Global Commitment fund | <u>727,040,183</u> |
| Total | 727,040,183 |
| Sec. B.309 Department of Vermont health access - Medicaid program - state only | |
| Grants | <u>51,417,964</u> |
| Total | 51,417,964 |
| Source of funds | |
| General fund | 39,365,706 |
| Global Commitment fund | <u>12,052,258</u> |
| Total | 51,417,964 |

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

| | |
|-----------------|-------------------|
| Grants | <u>33,096,001</u> |
| Total | 33,096,001 |
| Source of funds | |
| General fund | 12,164,088 |
| Federal funds | <u>20,931,913</u> |
| Total | 33,096,001 |

Sec. B.311 Health - administration and support

| | |
|---------------------------------|------------------|
| Personal services | 5,618,392 |
| Operating expenses | 6,355,826 |
| Grants | <u>4,040,881</u> |
| Total | 16,015,099 |
| Source of funds | |
| General fund | 2,704,133 |
| Special funds | 2,041,597 |
| Federal Coronavirus Relief Fund | 1,000,000 |
| Federal funds | 7,493,305 |
| Global Commitment fund | 2,681,102 |
| Interdepartmental transfers | <u>94,962</u> |
| Total | 16,015,099 |

Sec. B.312 Health - public health

| | |
|---------------------------------|-------------------|
| Personal services | 46,668,668 |
| Operating expenses | 10,183,898 |
| Grants | <u>36,833,198</u> |
| Total | 93,685,764 |
| Source of funds | |
| General fund | 10,325,430 |
| Special funds | 18,763,637 |
| Tobacco fund | 1,088,918 |
| Federal Coronavirus Relief Fund | 1,650,000 |
| Federal funds | 47,328,052 |
| Global Commitment fund | 13,264,921 |
| Interdepartmental transfers | 1,239,806 |
| Permanent trust funds | <u>25,000</u> |
| Total | 93,685,764 |

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

| | |
|--------------------|-----------|
| Personal services | 4,999,801 |
| Operating expenses | 442,000 |

| | |
|---|--------------------|
| Grants | <u>48,713,374</u> |
| Total | 54,155,175 |
| Source of funds | |
| General fund | 1,234,338 |
| Special funds | 1,281,066 |
| Tobacco fund | 949,917 |
| Federal funds | 18,491,664 |
| Global Commitment fund | <u>32,198,190</u> |
| Total | 54,155,175 |
| Sec. B.314 Mental health - mental health | |
| Personal services | 32,711,706 |
| Operating expenses | 4,574,758 |
| Grants | <u>240,423,028</u> |
| Total | 277,709,492 |
| Source of funds | |
| General fund | 8,869,021 |
| Special funds | 1,686,673 |
| Federal Coronavirus Relief Fund | 737,104 |
| Federal funds | 11,127,574 |
| Global Commitment fund | 253,591,013 |
| Interdepartmental transfers | <u>1,698,107</u> |
| Total | 277,709,492 |
| Sec. B.316 Department for children and families - administration & support services | |
| Personal services | 37,989,806 |
| Operating expenses | 16,737,674 |
| Grants | <u>3,739,106</u> |
| Total | 58,466,586 |
| Source of funds | |
| General fund | 32,556,013 |
| Special funds | 2,708,800 |
| Federal funds | 20,975,521 |
| Global Commitment fund | 2,005,816 |
| Interdepartmental transfers | <u>220,436</u> |
| Total | 58,466,586 |
| Sec. B.317 Department for children and families - family services | |
| Personal services | 38,776,869 |
| Operating expenses | 5,069,385 |

| | |
|---|-------------------|
| Grants | <u>78,055,766</u> |
| Total | 121,902,020 |
| Source of funds | |
| General fund | 43,478,598 |
| Special funds | 729,587 |
| Federal funds | 32,002,165 |
| Global Commitment fund | 45,579,021 |
| Interdepartmental transfers | <u>112,649</u> |
| Total | 121,902,020 |
| Sec. B.318 Department for children and families - child development | |
| Personal services | 4,612,052 |
| Operating expenses | 862,982 |
| Grants | <u>82,319,977</u> |
| Total | 87,795,011 |
| Source of funds | |
| General fund | 25,392,931 |
| Special funds | 16,820,000 |
| Tobacco fund | 2,000,000 |
| Federal funds | 33,551,078 |
| Global Commitment fund | 10,008,502 |
| Interdepartmental transfers | <u>22,500</u> |
| Total | 87,795,011 |
| Sec. B.319 Department for children and families - office of child support | |
| Personal services | 11,107,221 |
| Operating expenses | <u>3,568,636</u> |
| Total | 14,675,857 |
| Source of funds | |
| General fund | 4,392,533 |
| Special funds | 455,719 |
| Federal funds | 9,440,005 |
| Interdepartmental transfers | <u>387,600</u> |
| Total | 14,675,857 |
| Sec. B.320 Department for children and families - aid to aged, blind and disabled | |
| Personal services | 2,252,206 |
| Grants | <u>10,298,023</u> |
| Total | 12,550,229 |
| Source of funds | |
| General fund | 8,649,899 |

| | |
|---|-------------------|
| Global Commitment fund | <u>3,900,330</u> |
| Total | 12,550,229 |
| Sec. B.321 Department for children and families - general assistance | |
| Personal services | 15,000 |
| Grants | <u>8,981,574</u> |
| Total | 8,996,574 |
| Source of funds | |
| General fund | 8,599,239 |
| Federal funds | 111,320 |
| Global Commitment fund | <u>286,015</u> |
| Total | 8,996,574 |
| Sec. B.322 Department for children and families - 3SquaresVT | |
| Grants | <u>29,827,906</u> |
| Total | 29,827,906 |
| Source of funds | |
| Federal funds | <u>29,827,906</u> |
| Total | 29,827,906 |
| Sec. B.323 Department for children and families - reach up | |
| Operating expenses | 48,524 |
| Grants | <u>39,867,197</u> |
| Total | 39,915,721 |
| Source of funds | |
| General fund | 22,361,264 |
| Special funds | 6,133,482 |
| Federal Coronavirus Relief Fund | 5,197,333 |
| Federal funds | 3,542,024 |
| Global Commitment fund | <u>2,681,618</u> |
| Total | 39,915,721 |
| Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP | |
| Grants | <u>16,019,953</u> |
| Total | 16,019,953 |
| Source of funds | |
| Special funds | 1,480,395 |
| Federal funds | <u>14,539,558</u> |
| Total | 16,019,953 |

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

| | |
|------------------------|-------------------|
| Personal services | 534,250 |
| Operating expenses | 44,078 |
| Grants | <u>10,566,655</u> |
| Total | 11,144,983 |
| Source of funds | |
| General fund | 5,307,854 |
| Special funds | 57,990 |
| Federal funds | 4,423,154 |
| Global Commitment fund | <u>1,355,985</u> |
| Total | 11,144,983 |

Sec. B.326 Department for children and families - OEO - weatherization assistance

| | |
|--------------------|-------------------|
| Personal services | 335,094 |
| Operating expenses | 45,269 |
| Grants | <u>12,038,018</u> |
| Total | 12,418,381 |
| Source of funds | |
| Special funds | 7,601,113 |
| Federal funds | <u>4,817,268</u> |
| Total | 12,418,381 |

Sec. B.327 Department for children and families - Woodside rehabilitation center

| | |
|-----------------------------|----------------|
| Personal services | 3,928,957 |
| Operating expenses | <u>675,455</u> |
| Total | 4,604,412 |
| Source of funds | |
| General fund | 4,507,412 |
| Interdepartmental transfers | <u>97,000</u> |
| Total | 4,604,412 |

Sec. B.328 Department for children and families - disability determination services

| | |
|--------------------|----------------|
| Personal services | 6,817,027 |
| Operating expenses | <u>435,650</u> |
| Total | 7,252,677 |
| Source of funds | |
| General fund | 108,854 |

| | |
|---|-------------------|
| Federal funds | <u>7,143,823</u> |
| Total | <u>7,252,677</u> |
| Sec. B.329 Disabilities, aging, and independent living - administration & support | |
| Personal services | 33,409,543 |
| Operating expenses | <u>5,883,996</u> |
| Total | <u>39,293,539</u> |
| Source of funds | |
| General fund | 17,410,292 |
| Special funds | 1,390,457 |
| Federal funds | 19,426,506 |
| Interdepartmental transfers | <u>1,066,284</u> |
| Total | <u>39,293,539</u> |
| Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants | |
| Grants | <u>18,762,373</u> |
| Total | <u>18,762,373</u> |
| Source of funds | |
| General fund | 7,441,442 |
| Federal funds | 7,148,466 |
| Global Commitment fund | <u>4,172,465</u> |
| Total | <u>18,762,373</u> |
| Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired | |
| Grants | <u>1,661,457</u> |
| Total | <u>1,661,457</u> |
| Source of funds | |
| General fund | 389,154 |
| Special funds | 223,450 |
| Federal funds | 743,853 |
| Global Commitment fund | <u>305,000</u> |
| Total | <u>1,661,457</u> |
| Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation | |
| Grants | <u>7,024,368</u> |
| Total | <u>7,024,368</u> |
| Source of funds | |
| General fund | 1,371,845 |
| Federal funds | <u>4,402,523</u> |

| | |
|--|--------------------|
| Interdepartmental transfers | <u>1,250,000</u> |
| Total | 7,024,368 |
| Sec. B.333 Disabilities, aging, and independent living - developmental services | |
| Grants | <u>234,832,050</u> |
| Total | 234,832,050 |
| Source of funds | |
| General fund | 155,125 |
| Special funds | 15,463 |
| Federal funds | 359,857 |
| Global Commitment fund | 234,256,605 |
| Interdepartmental transfers | <u>45,000</u> |
| Total | 234,832,050 |
| Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver | |
| Grants | <u>5,152,980</u> |
| Total | 5,152,980 |
| Source of funds | |
| Global Commitment fund | <u>5,152,980</u> |
| Total | 5,152,980 |
| Sec. B.334.1 Disabilities, aging and independent living - Long Term Care | |
| Grants | <u>225,276,530</u> |
| Total | 225,276,530 |
| Source of funds | |
| General fund | 498,579 |
| Federal funds | 2,083,333 |
| Global Commitment fund | <u>222,694,618</u> |
| Total | 225,276,530 |
| Sec. B.335 Corrections - administration | |
| Personal services | 3,061,285 |
| Operating expenses | <u>238,644</u> |
| Total | 3,299,929 |
| Source of funds | |
| General fund | <u>3,299,929</u> |
| Total | 3,299,929 |
| Sec. B.336 Corrections - parole board | |
| Personal services | 356,216 |
| Operating expenses | <u>59,216</u> |
| Total | 415,432 |

| | |
|--|------------------|
| Source of funds | |
| General fund | <u>415,432</u> |
| Total | 415,432 |
| Sec. B.337 Corrections - correctional education | |
| Personal services | 3,226,930 |
| Operating expenses | <u>244,932</u> |
| Total | 3,471,862 |
| Source of funds | |
| General fund | 3,323,078 |
| Education fund | 0 |
| Interdepartmental transfers | <u>148,784</u> |
| Total | 3,471,862 |
| Sec. B.338 Corrections - correctional services | |
| Personal services | 120,895,262 |
| Operating expenses | 23,059,297 |
| Grants | <u>8,808,427</u> |
| Total | 152,762,986 |
| Source of funds | |
| General fund | 140,696,389 |
| Special funds | 935,963 |
| Federal Coronavirus Relief Fund | 4,950,000 |
| Federal funds | 473,523 |
| Global Commitment fund | 5,310,796 |
| Interdepartmental transfers | <u>396,315</u> |
| Total | 152,762,986 |
| Sec. B.339 Corrections - Correctional services-out of state beds | |
| Personal services | <u>5,640,604</u> |
| Total | 5,640,604 |
| Source of funds | |
| General fund | <u>5,640,604</u> |
| Total | 5,640,604 |
| Sec. B.340 Corrections - correctional facilities - recreation | |
| Personal services | 426,705 |
| Operating expenses | <u>455,845</u> |
| Total | 882,550 |
| Source of funds | |
| Special funds | <u>882,550</u> |
| Total | 882,550 |

Sec. B.341 Corrections - Vermont offender work program

| | |
|------------------------|------------------|
| Personal services | 1,404,901 |
| Operating expenses | <u>525,784</u> |
| Total | 1,930,685 |
| Source of funds | |
| Internal service funds | <u>1,930,685</u> |
| Total | 1,930,685 |

Sec. B.342 Vermont veterans' home - care and support services

| | |
|--------------------|------------------|
| Personal services | 19,575,182 |
| Operating expenses | <u>4,455,065</u> |
| Total | 24,030,247 |
| Source of funds | |
| General fund | 2,858,379 |
| Special funds | 11,858,292 |
| Federal funds | <u>9,313,576</u> |
| Total | 24,030,247 |

Sec. B.343 Commission on women

| | |
|--------------------|---------------|
| Personal services | 338,188 |
| Operating expenses | <u>64,568</u> |
| Total | 402,756 |
| Source of funds | |
| General fund | 399,187 |
| Special funds | <u>3,569</u> |
| Total | 402,756 |

Sec. B.344 Retired senior volunteer program

| | |
|-----------------|----------------|
| Grants | <u>146,564</u> |
| Total | 146,564 |
| Source of funds | |
| General fund | <u>146,564</u> |
| Total | 146,564 |

Sec. B.345 Green Mountain Care Board

| | |
|--------------------|------------------|
| Personal services | 7,358,493 |
| Operating expenses | <u>379,150</u> |
| Total | 7,737,643 |
| Source of funds | |
| General fund | 3,094,435 |
| Special funds | <u>4,643,208</u> |
| Total | 7,737,643 |

 Sec. B.346 Total human services

| | |
|----------------------------------|---------------|
| Source of funds | |
| General fund | 986,362,972 |
| Special funds | 115,532,594 |
| Tobacco fund | 25,088,208 |
| State health care resources fund | 17,078,501 |
| Education fund | 0 |
| Federal Coronavirus Relief Fund | 13,534,437 |
| Federal funds | 1,457,654,882 |
| Global Commitment fund | 1,583,321,128 |
| Internal service funds | 1,930,685 |
| Interdepartmental transfers | 33,220,909 |
| Permanent trust funds | <u>25,000</u> |
| Total | 4,233,749,316 |

Sec. B.400 Labor - programs

| | |
|-----------------------------|------------------|
| Personal services | 31,253,177 |
| Operating expenses | 10,214,693 |
| Grants | <u>2,727,000</u> |
| Total | 44,194,870 |
| Source of funds | |
| General fund | 4,898,964 |
| Special funds | 6,922,539 |
| Federal funds | 31,264,367 |
| Interdepartmental transfers | <u>1,109,000</u> |
| Total | 44,194,870 |

Sec. B.401 Total labor

| | |
|-----------------------------|------------------|
| Source of funds | |
| General fund | 4,898,964 |
| Special funds | 6,922,539 |
| Federal funds | 31,264,367 |
| Interdepartmental transfers | <u>1,109,000</u> |
| Total | 44,194,870 |

Sec. B.500 Education - finance and administration

| | |
|--------------------|-------------------|
| Personal services | 13,278,166 |
| Operating expenses | 3,979,764 |
| Grants | <u>16,770,700</u> |
| Total | 34,028,630 |
| Source of funds | |
| General fund | 5,388,716 |

| | |
|--|--------------------|
| Special funds | 18,290,009 |
| Education fund | 3,375,307 |
| Federal funds | 6,132,426 |
| Global Commitment fund | 260,000 |
| Interdepartmental transfers | <u>582,172</u> |
| Total | 34,028,630 |
| Sec. B.501 Education - education services | |
| Personal services | 12,205,290 |
| Operating expenses | 1,073,385 |
| Grants | <u>124,979,229</u> |
| Total | 138,257,904 |
| Source of funds | |
| General fund | 4,593,768 |
| Special funds | 2,844,721 |
| Tobacco fund | 750,388 |
| Federal funds | <u>130,069,027</u> |
| Total | 138,257,904 |
| Sec. B.502 Education - special education: formula grants | |
| Grants | <u>223,718,575</u> |
| Total | 223,718,575 |
| Source of funds | |
| Education fund | <u>223,718,575</u> |
| Total | 223,718,575 |
| Sec. B.503 Education - state-placed students | |
| Grants | <u>18,000,000</u> |
| Total | 18,000,000 |
| Source of funds | |
| Education fund | <u>18,000,000</u> |
| Total | 18,000,000 |
| Sec. B.504 Education - adult education and literacy | |
| Grants | <u>4,262,900</u> |
| Total | 4,262,900 |
| Source of funds | |
| General fund | 3,496,850 |
| Federal funds | <u>766,050</u> |
| Total | 4,262,900 |
| Sec. B.504.1 Education - Flexible Pathways | |
| Grants | <u>9,225,450</u> |

| | |
|--|----------------------|
| Total | 9,225,450 |
| Source of funds | |
| General fund | 962,725 |
| Education fund | <u>8,262,725</u> |
| Total | 9,225,450 |
| Sec. B.505 Education - adjusted education payment | |
| Grants | <u>1,489,500,000</u> |
| Total | 1,489,500,000 |
| Source of funds | |
| Education fund | <u>1,489,500,000</u> |
| Total | 1,489,500,000 |
| Sec. B.506 Education - transportation | |
| Grants | <u>20,459,000</u> |
| Total | 20,459,000 |
| Source of funds | |
| Education fund | <u>20,459,000</u> |
| Total | 20,459,000 |
| Sec. B.507 Education - small school grants | |
| Grants | <u>8,200,000</u> |
| Total | 8,200,000 |
| Source of funds | |
| Education fund | <u>8,200,000</u> |
| Total | 8,200,000 |
| Sec. B.510 Education - essential early education grant | |
| Grants | <u>7,044,052</u> |
| Total | 7,044,052 |
| Source of funds | |
| Education fund | <u>7,044,052</u> |
| Total | 7,044,052 |
| Sec. B.511 Education - technical education | |
| Grants | <u>14,816,000</u> |
| Total | 14,816,000 |
| Source of funds | |
| Education fund | <u>14,816,000</u> |
| Total | 14,816,000 |
| Sec. B.511.1 State Board of Education | |
| Personal services | 38,905 |

| | |
|---|--------------------|
| Operating expenses | <u>31,803</u> |
| Total | 70,708 |
| Source of funds | |
| General fund | <u>70,708</u> |
| Total | 70,708 |
| Sec. B.514 State teachers' retirement system | |
| Grants | <u>125,894,201</u> |
| Total | 125,894,201 |
| Source of funds | |
| General fund | 119,013,146 |
| Education fund | <u>6,881,055</u> |
| Total | 125,894,201 |
| Sec. B.514.1 State teachers' retirement system administration | |
| Personal services | 4,261,124 |
| Operating expenses | <u>1,668,671</u> |
| Total | 5,929,795 |
| Source of funds | |
| Pension trust funds | <u>5,929,795</u> |
| Total | 5,929,795 |
| Sec. B.515 Retired teachers' health care and medical benefits | |
| Grants | <u>31,798,734</u> |
| Total | 31,798,734 |
| Source of funds | |
| General fund | <u>31,798,734</u> |
| Total | 31,798,734 |
| Sec. B.516 Total general education | |
| Source of funds | |
| General fund | 165,324,647 |
| Special funds | 21,134,730 |
| Tobacco fund | 750,388 |
| Education fund | 1,800,256,714 |
| Federal funds | 136,967,503 |
| Global Commitment fund | 260,000 |
| Interdepartmental transfers | 582,172 |
| Pension trust funds | <u>5,929,795</u> |
| Total | 2,131,205,949 |
| Sec. B.600 University of Vermont | |
| Grants | <u>42,509,093</u> |

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| | |
|--|-------------------|
| Total | 42,509,093 |
| Source of funds | |
| General fund | 41,840,842 |
| Global Commitment fund | <u>668,251</u> |
| Total | 42,509,093 |
| Sec. B.602 Vermont state colleges | |
| Grants | <u>29,800,464</u> |
| Total | 29,800,464 |
| Source of funds | |
| General fund | <u>29,800,464</u> |
| Total | 29,800,464 |
| Sec. B.602.1 Vermont state colleges - Supplemental Aid | |
| Grants | <u>700,000</u> |
| Total | 700,000 |
| Source of funds | |
| General fund | <u>700,000</u> |
| Total | 700,000 |
| Sec. B.603 Vermont state colleges - allied health | |
| Grants | <u>1,157,775</u> |
| Total | 1,157,775 |
| Source of funds | |
| General fund | 748,314 |
| Global Commitment fund | <u>409,461</u> |
| Total | 1,157,775 |
| Sec. B.605 Vermont student assistance corporation | |
| Grants | <u>19,978,588</u> |
| Total | 19,978,588 |
| Source of funds | |
| General fund | <u>19,978,588</u> |
| Total | 19,978,588 |
| Sec. B.606 New England higher education compact | |
| Grants | <u>84,000</u> |
| Total | 84,000 |
| Source of funds | |
| General fund | <u>84,000</u> |
| Total | 84,000 |

 Sec. B.607 University of Vermont - Morgan Horse Farm

| | |
|-----------------|----------|
| Grants | <u>1</u> |
| Total | 1 |
| Source of funds | |
| General fund | <u>1</u> |
| Total | 1 |

Sec. B.608 Total higher education

| | |
|------------------------|------------------|
| Source of funds | |
| General fund | 93,152,209 |
| Global Commitment fund | <u>1,077,712</u> |
| Total | 94,229,921 |

Sec. B.700 Natural resources - agency of natural resources - administration

| | |
|-----------------------------|------------------|
| Personal services | 2,772,491 |
| Operating expenses | <u>1,043,407</u> |
| Total | 3,815,898 |
| Source of funds | |
| General fund | 3,134,594 |
| Special funds | 581,393 |
| Interdepartmental transfers | <u>99,911</u> |
| Total | 3,815,898 |

Sec. B.701 Natural resources - state land local property tax assessment

| | |
|-----------------------------|------------------|
| Operating expenses | <u>2,575,277</u> |
| Total | 2,575,277 |
| Source of funds | |
| General fund | 2,153,777 |
| Interdepartmental transfers | <u>421,500</u> |
| Total | 2,575,277 |

Sec. B.702 Fish and wildlife - support and field services

| | |
|------------------------|----------------|
| Personal services | 18,228,943 |
| Operating expenses | 7,048,001 |
| Grants | <u>785,636</u> |
| Total | 26,062,580 |
| Source of funds | |
| General fund | 6,506,744 |
| Special funds | 669,737 |
| Fish and wildlife fund | 9,099,448 |
| Federal funds | 8,611,533 |

| | |
|--|-------------------|
| Interdepartmental transfers | <u>1,175,118</u> |
| Total | 26,062,580 |
| Sec. B.703 Forests, parks and recreation - administration | |
| Personal services | 994,125 |
| Operating expenses | <u>1,160,549</u> |
| Total | 2,154,674 |
| Source of funds | |
| General fund | <u>2,154,674</u> |
| Total | 2,154,674 |
| Sec. B.704 Forests, parks and recreation - forestry | |
| Personal services | 5,877,247 |
| Operating expenses | 885,702 |
| Grants | <u>1,209,868</u> |
| Total | 7,972,817 |
| Source of funds | |
| General fund | 4,968,305 |
| Special funds | 398,049 |
| Federal funds | 2,331,600 |
| Interdepartmental transfers | <u>274,863</u> |
| Total | 7,972,817 |
| Sec. B.705 Forests, parks and recreation - state parks | |
| Personal services | 9,117,501 |
| Operating expenses | <u>2,682,322</u> |
| Total | 11,799,823 |
| Source of funds | |
| General fund | 980,203 |
| Special funds | <u>10,819,620</u> |
| Total | 11,799,823 |
| Sec. B.706 Forests, parks and recreation - lands administration and recreation | |
| Personal services | 2,122,060 |
| Operating expenses | 1,343,187 |
| Grants | <u>2,657,652</u> |
| Total | 6,122,899 |
| Source of funds | |
| General fund | 908,531 |
| Special funds | 2,020,151 |
| Federal funds | 3,071,717 |
| Interdepartmental transfers | <u>122,500</u> |
| Total | 6,122,899 |

 Sec. B.708 Forests, parks and recreation - forest and parks access roads

| | |
|--------------------|----------------|
| Personal services | 110,000 |
| Operating expenses | <u>69,925</u> |
| Total | 179,925 |
| Source of funds | |
| General fund | <u>179,925</u> |
| Total | 179,925 |

Sec. B.709 Environmental conservation - management and support services

| | |
|-----------------------------|------------------|
| Personal services | 6,613,365 |
| Operating expenses | 3,933,249 |
| Grants | <u>125,000</u> |
| Total | 10,671,614 |
| Source of funds | |
| General fund | 1,775,480 |
| Special funds | 446,131 |
| Federal funds | 945,212 |
| Interdepartmental transfers | <u>7,504,791</u> |
| Total | 10,671,614 |

Sec. B.710 Environmental conservation - air and waste management

| | |
|-----------------------------|------------------|
| Personal services | 17,164,499 |
| Operating expenses | 10,579,537 |
| Grants | <u>4,292,462</u> |
| Total | 32,036,498 |
| Source of funds | |
| General fund | 224,369 |
| Special funds | 28,061,132 |
| Federal funds | 3,588,192 |
| Interdepartmental transfers | <u>162,805</u> |
| Total | 32,036,498 |

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

| | |
|--------------------|-------------------|
| Personal services | 23,094,172 |
| Operating expenses | 7,043,822 |
| Grants | <u>32,125,333</u> |
| Total | 62,263,327 |
| Source of funds | |
| General fund | 7,540,060 |
| Special funds | 20,407,725 |
| Federal funds | 33,636,979 |

| | |
|--|-------------------|
| Interdepartmental transfers | <u>678,563</u> |
| Total | 62,263,327 |
| Sec. B.713 Natural resources board | |
| Personal services | 2,781,080 |
| Operating expenses | <u>500,902</u> |
| Total | 3,281,982 |
| Source of funds | |
| General fund | 630,798 |
| Special funds | <u>2,651,184</u> |
| Total | 3,281,982 |
| Sec. B.714 Total natural resources | |
| Source of funds | |
| General fund | 31,157,460 |
| Special funds | 66,055,122 |
| Fish and wildlife fund | 9,099,448 |
| Federal funds | 52,185,233 |
| Interdepartmental transfers | <u>10,440,051</u> |
| Total | 168,937,314 |
| Sec. B.800 Commerce and community development - agency of commerce and community development - administration | |
| Personal services | 1,964,532 |
| Operating expenses | 1,768,188 |
| Grants | <u>579,820</u> |
| Total | 4,312,540 |
| Source of funds | |
| General fund | 3,171,540 |
| Federal Coronavirus Relief Fund | 750,000 |
| Federal funds | <u>391,000</u> |
| Total | 4,312,540 |
| Sec. B.801 Economic development | |
| Personal services | 4,016,204 |
| Operating expenses | 1,153,449 |
| Grants | <u>5,249,719</u> |
| Total | 10,419,372 |
| Source of funds | |
| General fund | 4,910,253 |
| Special funds | 1,945,350 |
| Federal funds | 3,518,769 |

| | |
|--|-------------------|
| Interdepartmental transfers | <u>45,000</u> |
| Total | 10,419,372 |
| Sec. B.802 Housing & community development | |
| Personal services | 3,942,367 |
| Operating expenses | 755,675 |
| Grants | <u>14,533,277</u> |
| Total | 19,231,319 |
| Source of funds | |
| General fund | 2,791,111 |
| Special funds | 5,398,955 |
| Federal funds | 8,164,967 |
| Interdepartmental transfers | <u>2,876,286</u> |
| Total | 19,231,319 |
| Sec. B.806 Tourism and marketing | |
| Personal services | 1,855,399 |
| Operating expenses | 1,581,906 |
| Grants | <u>76,880</u> |
| Total | 3,514,185 |
| Source of funds | |
| General fund | 3,489,598 |
| Interdepartmental transfers | <u>24,587</u> |
| Total | 3,514,185 |
| Sec. B.808 Vermont council on the arts | |
| Grants | <u>718,589</u> |
| Total | 718,589 |
| Source of funds | |
| General fund | <u>718,589</u> |
| Total | 718,589 |
| Sec. B.809 Vermont symphony orchestra | |
| Grants | <u>136,978</u> |
| Total | 136,978 |
| Source of funds | |
| General fund | <u>136,978</u> |
| Total | 136,978 |
| Sec. B.810 Vermont historical society | |
| Grants | <u>965,108</u> |
| Total | 965,108 |
| Source of funds | |

| | |
|--|-------------------|
| General fund | <u>965,108</u> |
| Total | 965,108 |
| Sec. B.811 Vermont housing and conservation board | |
| Grants | <u>29,782,673</u> |
| Total | 29,782,673 |
| Source of funds | |
| Special funds | 11,466,417 |
| Federal funds | <u>18,316,256</u> |
| Total | 29,782,673 |
| Sec. B.812 Vermont humanities council | |
| Grants | <u>227,989</u> |
| Total | 227,989 |
| Source of funds | |
| General fund | <u>227,989</u> |
| Total | 227,989 |
| Sec. B.813 Total commerce and community development | |
| Source of funds | |
| General fund | 16,411,166 |
| Special funds | 18,810,722 |
| Federal Coronavirus Relief Fund | 750,000 |
| Federal funds | 30,390,992 |
| Interdepartmental transfers | <u>2,945,873</u> |
| Total | 69,308,753 |
| Sec. B.900 Transportation - finance and administration | |
| Personal services | 12,760,887 |
| Operating expenses | 3,163,873 |
| Grants | <u>55,000</u> |
| Total | 15,979,760 |
| Source of funds | |
| Transportation fund | 15,108,560 |
| Federal funds | <u>871,200</u> |
| Total | 15,979,760 |
| Sec. B.901 Transportation - aviation | |
| Personal services | 4,307,908 |
| Operating expenses | 5,037,764 |
| Grants | <u>210,000</u> |
| Total | 9,555,672 |
| Source of funds | |

| | |
|--|-------------------|
| Transportation fund | 4,553,828 |
| Federal funds | <u>5,001,844</u> |
| Total | 9,555,672 |
| Sec. B.902 Transportation - buildings | |
| Operating expenses | <u>307,000</u> |
| Total | 307,000 |
| Source of funds | |
| Transportation fund | <u>307,000</u> |
| Total | 307,000 |
| Sec. B.903 Transportation - program development | |
| Personal services | 54,357,099 |
| Operating expenses | 241,593,174 |
| Grants | <u>26,825,000</u> |
| Total | 322,775,273 |
| Source of funds | |
| Transportation fund | 42,204,675 |
| TIB fund | 8,904,313 |
| Federal funds | 271,141,834 |
| Local match | <u>524,451</u> |
| Total | 322,775,273 |
| Sec. B.904 Transportation - rest areas construction | |
| Personal services | 185,000 |
| Operating expenses | <u>825,000</u> |
| Total | 1,010,000 |
| Source of funds | |
| Transportation fund | 101,000 |
| Federal funds | <u>909,000</u> |
| Total | 1,010,000 |
| Sec. B.905 Transportation - maintenance state system | |
| Personal services | 45,305,185 |
| Operating expenses | 54,291,051 |
| Grants | <u>240,200</u> |
| Total | 99,836,436 |
| Source of funds | |
| Transportation fund | 97,358,649 |
| Federal funds | 2,377,787 |
| Interdepartmental transfers | <u>100,000</u> |
| Total | 99,836,436 |

| | |
|---|-------------------|
| Sec. B.906 Transportation - policy and planning | |
| Personal services | 4,199,096 |
| Operating expenses | 993,259 |
| Grants | <u>6,358,650</u> |
| Total | 11,551,005 |
| Source of funds | |
| Transportation fund | 3,003,905 |
| Federal funds | 8,529,250 |
| Interdepartmental transfers | <u>17,850</u> |
| Total | 11,551,005 |
| Sec. B.907 Transportation - rail | |
| Personal services | 5,016,835 |
| Operating expenses | 26,447,613 |
| Grants | <u>30,000</u> |
| Total | 31,494,448 |
| Source of funds | |
| Transportation fund | 14,942,605 |
| TIB fund | 760,000 |
| Federal funds | 14,634,998 |
| Interdepartmental transfers | <u>1,156,845</u> |
| Total | 31,494,448 |
| Sec. B.908 Transportation - public transit | |
| Personal services | 2,482,733 |
| Operating expenses | 184,334 |
| Grants | <u>35,567,753</u> |
| Total | 38,234,820 |
| Source of funds | |
| Transportation fund | 5,708,177 |
| Federal funds | 32,486,643 |
| Interdepartmental transfers | <u>40,000</u> |
| Total | 38,234,820 |
| Sec. B.909 Transportation - central garage | |
| Personal services | 4,566,949 |
| Operating expenses | <u>16,415,926</u> |
| Total | 20,982,875 |
| Source of funds | |
| Internal service funds | <u>20,982,875</u> |
| Total | 20,982,875 |

Sec. B.910 Department of motor vehicles

| | |
|-----------------------------|-------------------|
| Personal services | 22,480,038 |
| Operating expenses | <u>11,865,495</u> |
| Total | 34,345,533 |
| Source of funds | |
| Transportation fund | 32,852,324 |
| Federal funds | 1,345,934 |
| Interdepartmental transfers | <u>147,275</u> |
| Total | 34,345,533 |

Sec. B.911 Transportation - town highway structures

| | |
|---------------------|------------------|
| Grants | <u>4,650,000</u> |
| Total | 4,650,000 |
| Source of funds | |
| Transportation fund | <u>4,650,000</u> |
| Total | 4,650,000 |

Sec. B.912 Transportation - town highway local technical assistance program

| | |
|---------------------|----------------|
| Personal services | 362,665 |
| Operating expenses | <u>46,300</u> |
| Total | 408,965 |
| Source of funds | |
| Transportation fund | 108,965 |
| Federal funds | <u>300,000</u> |
| Total | 408,965 |

Sec. B.913 Transportation - town highway class 2 roadway

| | |
|---------------------|------------------|
| Grants | <u>3,250,000</u> |
| Total | 3,250,000 |
| Source of funds | |
| Transportation fund | <u>3,250,000</u> |
| Total | 3,250,000 |

Sec. B.914 Transportation - town highway bridges

| | |
|---------------------|----------------|
| Personal services | 3,004,608 |
| Operating expenses | 9,868,743 |
| Grants | <u>200,000</u> |
| Total | 13,073,351 |
| Source of funds | |
| Transportation fund | 791,327 |
| TIB fund | 1,436,457 |
| Federal funds | 10,456,841 |

| | |
|--|-------------------|
| Local match | <u>388,726</u> |
| Total | 13,073,351 |
| Sec. B.915 Transportation - town highway aid program | |
| Grants | <u>27,105,769</u> |
| Total | 27,105,769 |
| Source of funds | |
| Transportation fund | <u>27,105,769</u> |
| Total | 27,105,769 |
| Sec. B.916 Transportation - town highway class 1 supplemental grants | |
| Grants | <u>128,750</u> |
| Total | 128,750 |
| Source of funds | |
| Transportation fund | <u>128,750</u> |
| Total | 128,750 |
| Sec. B.917 Transportation - town highway: state aid for nonfederal disasters | |
| Grants | <u>1,150,000</u> |
| Total | 1,150,000 |
| Source of funds | |
| Transportation fund | <u>1,150,000</u> |
| Total | 1,150,000 |
| Sec. B.918 Transportation - town highway: state aid for federal disasters | |
| Grants | <u>180,000</u> |
| Total | 180,000 |
| Source of funds | |
| Transportation fund | 20,000 |
| Federal funds | <u>160,000</u> |
| Total | 180,000 |
| Sec. B.919 Transportation - municipal mitigation assistance program | |
| Operating expenses | 210,000 |
| Grants | <u>5,845,000</u> |
| Total | 6,055,000 |
| Source of funds | |
| Transportation fund | 650,000 |
| Special funds | 3,977,000 |
| Federal funds | <u>1,428,000</u> |
| Total | 6,055,000 |

Sec. B.920 Transportation - public assistance grant program

| | |
|-----------------------------|------------------|
| Operating expenses | 200,000 |
| Grants | <u>1,050,000</u> |
| Total | 1,250,000 |
| Source of funds | |
| Special funds | 50,000 |
| Federal funds | 1,000,000 |
| Interdepartmental transfers | <u>200,000</u> |
| Total | 1,250,000 |

Sec. B.921 Transportation board

| | |
|---------------------|----------------|
| Personal services | 152,387 |
| Operating expenses | <u>32,387</u> |
| Total | 184,774 |
| Source of funds | |
| Transportation fund | <u>184,774</u> |
| Total | 184,774 |

Sec. B.922 Total transportation

| | |
|-----------------------------|----------------|
| Source of funds | |
| Transportation fund | 254,180,308 |
| TIB fund | 11,100,770 |
| Special funds | 4,027,000 |
| Federal funds | 350,643,331 |
| Internal service funds | 20,982,875 |
| Interdepartmental transfers | 1,661,970 |
| Local match | <u>913,177</u> |
| Total | 643,509,431 |

Sec. B.1000 Debt service

| | |
|-----------------------|-------------------|
| Operating expenses | <u>79,377,264</u> |
| Total | 79,377,264 |
| Source of funds | |
| General fund | 75,828,995 |
| Transportation fund | 540,918 |
| ARRA funds | 504,738 |
| TIB debt service fund | <u>2,502,613</u> |
| Total | 79,377,264 |

Sec. B.1001 Total debt service

| | |
|-----------------|------------|
| Source of funds | |
| General fund | 75,828,995 |

| | |
|-----------------------|------------------|
| Transportation fund | 540,918 |
| ARRA funds | 504,738 |
| TIB debt service fund | <u>2,502,613</u> |
| Total | 79,377,264 |

Sec. B.1100 FISCAL YEAR 2021 ONE-TIME GENERAL FUND
APPROPRIATIONS

(a) In fiscal year 2021, funds are appropriated from the General Fund as follows:

(1) To the Secretary of Administration: \$20,000 for a grant to the League of Women Voters of Vermont Education Fund to celebrate of the 19th amendment to the U.S. Constitution, ratified on August 18, 1920, guaranteeing that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

(2) To the Department of Environmental Conservation: \$10,000 for a grant to the town of Chittenden for the installation of one or more warning sirens that can be heard in the towns of Chittenden, Pittsford, Rutland Town, and Rutland City in the event that there is a breach of the Chittenden Reservoir.

(3) To the Attorney General: \$162,000 to fund diversion programs that have experienced reduced fee revenue as the result of the COVID-19 pandemic.

(4) To the Department of State's Attorneys and Sheriffs: \$13,000 to augment federal grant funding that is reduced due to Vermont not having a specific statute in place.

(5) To the Department of Public Service: \$250,000 to develop a long-term telecom plan for the State pursuant to 2019 Acts and Resolves No. 79.

(6) To the Department of Public Service: \$1,500,000 to be awarded as grants to communications union districts. These grants shall be used to provide cash equity to secure loans to finance broadband projects, including the 10 percent of project costs required to secure financing through the Broadband Expansion Loan Program administered by the Vermont Economic Development Authority. A communications union district may not receive more than \$400,000 in awards under this appropriation.

(7) To the Agency of Education: \$15,860 for per diems for the AOE Ethnic and Social Equity Standards Advisory Group per 2019 Acts and Resolves No. 1.

(8) To the Natural Resources Board: \$30,000 for completion of Act 250 applications submitted on the new electronic database and application system,

the review of which were delayed due to issues related to the COVID-19 pandemic.

(9) To the Agency of Commerce and Community Development: \$100,000 to hire a consultant for a Public Access Television funding study, pursuant to 2020 Acts and Resolves No. 137. Any funds that remain unused for this purpose shall be transferred to the Department of Public Service for plan development pursuant to 2019 Acts and Resolves No. 79.

(10) To the Vermont State Colleges: \$23,800,000 additional bridge funding to allow system restructuring to be implemented for the 2021/2022 academic year.

Sec. B.1100.1 FISCAL YEAR 2021 ONE-TIME TRANSPORTATION
FUND APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2021, funds are appropriated from the transportation fund as follows:

(1) To the Agency of Digital Services: \$900,000 for the Department of Motor Vehicles information technology system modernization.

(2) To the Agency of Transportation: \$11,400,000 allocated for the following uses:

(A) \$7,000,000 to be distributed to municipalities not later than October 31, 2020 in the same apportionments and for the same purposes prescribed under 19 V.S.A. § 306(a)(3), which shall not be included in any subsequent calculations for the annual appropriation for aid to town highways pursuant to 19 V.S.A. § 306(a);

(B) \$500,000 for maintenance and roadside mowing;

(C) \$1,000,000 for the New PEV Incentive Program established in 2019 Acts and Resolves No. 59, Sec. 34, as amended, with up to \$100,000 of that \$1,000,000 available to continue and expand the Agency of Transportation's public-private partnership with Drive Electric Vermont to support the expansion of the plug-in electric vehicle market in the State;

(D) \$500,000 to fund initiatives to increase public transit ridership in fiscal year 2021 as authorized under 2020 Acts and Resolves No. 121, Sec. 9; and

(E) \$2,400,000 for leveling and paving projects.

(b) In fiscal year 2021, \$600,000 is transferred from the Transportation Fund to the Central Garage Fund for the purchase of new equipment consistent with 2020 Acts and Resolves No. 121, Secs. 11, 12, and 12a.

Sec. B.1101.2 CORONAVIRUS RELIEF FUND – ONE-TIME LIST

(a) In fiscal year 2021, funds are appropriated from the Coronavirus Relief Fund (CRF) as follows:

(1) To the Agency of Agriculture, Food and Markets: \$100,000 for the Farm to School program to address the effects of the pandemic. Grant funds will be used to facilitate the local food procurement and hands-on education goals of the program and to reimburse schools and registered or licensed child care providers for the costs of equipment, materials, and supplies for school nutrition programs and classrooms that are necessary expenditures related to the public health emergency, including improvements for outdoor learning or dining spaces, or both, and equipment for processing, packaging, storing, and serving meals safely. Applications shall be filed in accordance with grant parameters and a deadline established by the Agency of Agriculture, Food and Markets, and shall be processed in the order of receipt, except no application will be evaluated for an award until the Agency of Agriculture, Food, and Markets determines that it is administratively complete. Each grant payment shall exclusively cover incurred costs or expenses, or both, related to the public health emergency and shall be a maximum award of \$10,000. If the Agency of Agriculture, Food and Markets receives a high volume of applications, it may lower the maximum individual grant award to more equitably distribute the funds among a larger number of applicants. Each grant payment may be a partial reimbursement of proven costs and shall be a direct payment from the State of Vermont to a school or child care provider.

(2) To the Agency of Administration: \$500,000 for contracted services related to CRF and other COVID-19 federal funding eligibility.

(3) To the Agency of Administration: \$10,000,000 for equitable distribution to be determined in consultation with the Association of Vermont Independent Colleges, among the 11 independent colleges. Distribution factors to be considered shall include CARES Act funding guidelines and creating a floor to protect smaller schools. In order to qualify for funding from this appropriation, institutions must be accredited and chartered in Vermont. The funds are for COVID-19-related losses or expenditures previously incurred or expected to be incurred that meet the federal guidelines for funding eligibility.

(4) To the University of Vermont: \$10,000,000 to address pandemic funding needs through December 2020. For the duration of the Governor's state of emergency orders, the University shall present to the House and Senate Committees on Appropriations and on Education on a quarterly basis:

(A) a full, specific quarterly accounting of all CARES funds appropriated and expended during the span of time covered by the Governor's state of emergency orders; and

(B) an accounting of all COVID-attributed expenses and revenue losses.

(5) To the Department of Disabilities, Aging, and Independent Living: \$2,000,000 to provide financial stability grant funding to the 12 adult day service providers statewide to continue to support the facilities, service infrastructure, and necessary operating costs for October 10, 2020 through December 20, 2020 as these programs remained closed due the COVID-19 crisis to prepare to reopen safely for the vulnerable populations they serve and to operate at reduced census upon reopening. Funds shall be distributed on or before October 10, 2020 to each program in accordance with the spreadsheet submitted by the providers to the Department prior to September 30, 2020. Any funds remaining subsequent to September 30, 2020 from prior Coronavirus Relief Funds appropriations for adult day service providers shall be carried forward until December 20, 2020 and shall remain available the adult day programs for their use prior to December 20, 2020.

(6) To the Department of Disabilities, Aging, and Independent Living: \$565,000 to support the Meals on Wheels program and maintain the reimbursement rates established during the pandemic through December 30, 2020. 100 percent of this appropriation shall be distributed directly to the organizations preparing and delivering the meals.

(7) To the Agency of Human Services: \$250,000 for grants to Vermont Legal Aid for information technology costs necessitated by the COVID-19 pandemic, including cybersecurity and case management needs.

(8) To the Department of Health for the Vermont Recovery Network: \$60,000 to be equally divided and granted directly to each of the 12 recovery centers for reimbursement of expenses incurred due to the COVID-19 pandemic. Each center shall be eligible for up to \$5,000 reimbursement after submitting a list of expenses incurred that pertain to cleaning and social distancing efforts at the centers.

(9) To the Agency of Transportation: \$1,557,438 for the Transportation Program in Dept ID 8100007000; AOT COVID-19.

(10) To the Vermont Housing Conservation Board: \$2,250,000 for projects to address homelessness and reduce risk of community spread of the coronavirus.

(11) To the Department of Tourism and Marketing: \$4,000,000.00 for the Restart Vermont Marketing Program to publicize the resumption of activities and steps taken to ensure a safe experience and to encourage

visitation and consumer spending in Vermont to support businesses that have suffered economic harm due to the COVID-19 public health emergency. The Department shall coordinate with regional partners in developing and implementing marketing strategies that ensure regional and statewide benefits from the Program.

(12) To the Vermont State Colleges, in coordination with the Department of Labor, for workforce training: \$2,300,000.00 to serve Vermonters who have been impacted by the COVID-19 pandemic through layoffs, furloughs, reduced hours, or due to being employed in an industry that has been severely affected.

(A) The funds awarded pursuant to this subdivision (12) are to:

(i) offer courses and workshops to upskill affected Vermonters in their current industry or reskill Vermonters who desire a change in their career path for more economic stability; and

(ii) provide for necessary school supplies, wrap-around services, marketing of the program, and support staff.

(B) Any funds provided in this subdivision (12) that remain unencumbered as of November 15, 2020 shall revert to the Coronavirus Relief Fund and be appropriated to the Agency of Commerce and Community Development for grants pursuant to 2020 Acts and Resolves No. 137, Sec. 6(a).

(13) To the Agency of Commerce and Community Development for the Recreation Safety Grants: \$2,500,000 is appropriated for grants to Vermont ski area businesses to make necessary physical improvements to their facilities in order to mitigate public health and safety risks to the public due to the COVID-19 public health emergency.

Sec. B.1101.3 2020 Acts and Resolves No. 120, Sec. A.49(a)(2) is amended to read:

(2) The Vermont State Colleges (VSC): \$22,758,000 is granted to the VSC for costs and business disruption impacts through December 30, 2020 due to the COVID-19 pandemic. For the duration of the Governor's state of emergency orders, the VSC shall present to the House and Senate Committees on Appropriations and on Education on a quarterly basis:

(A) a full, specific quarterly accounting of all CARES funds appropriated and expended during the span of time covered by the Governor's state of emergency orders; and

(B) an accounting of all COVID-attributed expenses and revenue losses.

* * * Business Economic Assistance and Unemployed Stimulus * * *

Sec. B.1102 2020 Acts and Resolves No. 137, Sec. 6 is amended to read:

Sec. 6 COVID-19; ECONOMIC SUPPORT FOR BUSINESSES AND INDIVIDUALS

(a) Appropriations; grants. The following amounts are appropriated from the Coronavirus Relief Fund to the named recipients to provide grants to businesses that have suffered economic harm due to the COVID-19 public health emergency and economic crisis.

(1) ~~\$82,000,000.00 for additional emergency economic recovery grants pursuant to 2020 Acts and Resolves No. 115 (S.350), Secs. 2-3 \$158,700,000.00 for grants to businesses that meet the eligibility criteria in subsection (c) of this section as follows:~~

(A) ~~\$56,000,000.00~~ \$132,700,000.00 to the Agency of Commerce and Community Development.

(B) \$26,000,000.00 to the Department of Taxes.

* * *

(5) \$5,000,000.00 to the Agency of Commerce and Community Development to grant to the Vermont Arts Council for grants to nonprofit arts and cultural organizations. ~~For purposes of calculating reduction in revenue under this subdivision, "revenue" does not include tax-deductible charitable contributions.~~

* * *

(c) Eligibility; grant amount; terms; guidelines.

(1) To be eligible for a grant under subsection (a) or (b) of this section, a business must meet the following eligibility criteria and comply with the guidelines adopted pursuant to ~~2020 Acts and Resolves No. 115 (S.350) unless otherwise provided in this section, except that a business must demonstrate that it suffered a 50 percent or greater reduction in revenue due to the COVID-19 public health emergency and economic crisis in a monthly or quarterly period from March 1, 2020 to September 1, 2020 as compared to the same period in 2019~~ subdivision (5) of this subsection:

(A) The business is a private, for-profit or nonprofit organization that is domiciled or has its primary place of business in Vermont.

(B) The business is either open at the time of application or is closed due to the COVID-19 public health emergency but has a good-faith plan for reopening.

(C) The business demonstrates need based on economic loss due to the COVID-19 public health emergency from March 1, 2020 to December 1, 2020.

(2) The Agency shall establish standards for determining the amount of grant awards, provided that a business may not receive more than \$300,000.00 in grant awards pursuant to 2020 Acts and Resolves No. 115 and this act.

(3) The Agency shall set standards for how much grant awards should be adjusted based on whether an applicant has received financial assistance from other sources.

(4) The Agency may coordinate with local, regional, and State economic development partners to administer grants pursuant to this section.

(5) The Agency shall:

(A) adopt a process, procedures, and guidelines for the implementation of this section, including internal controls, an internal audit process, and an internal performance review process, a process to determine that the grants were used for the purposes intended;

(B) submit information concerning the standards for determining the amount of the grants as well as the processes, procedures, and guidelines implementing this section not later than five days before the guidelines take effect to the House Committees on Commerce and Economic Development and on Appropriations and to the Senate Committees on Economic Development, Housing and General Affairs and on Appropriations;

(C) publish information concerning the guidelines and procedures, conduct marketing and outreach to communities that historically have not had equal access to financial or government services, and provide technical assistance to potential grant recipients;

(D) provide and maintain current, Internet-based information available to the public concerning the recipients and amounts of grants awarded;

(E) collect and publish demographic and other relevant data concerning grant recipients; and

(F) provide bi-weekly updates to the General Assembly concerning the implementation of this section.

* * *

(e) Prohibition on multiple sources of funding.

(1) A business may not receive a grant of Coronavirus Relief Fund monies from more than one source, ~~except that a business in the dairy sector may apply for a grant under subdivision (a)(2)(B) of this section, provided that the award is not for the same purpose covered under other assistance from the Fund.~~

* * *

(g) Emergency economic recovery grant funds; transfer. If any funds appropriated to Agency of Commerce and Community Development and the Department of Taxes in 2020 Acts and Resolves No. 115 (S.350) remain both unencumbered and unspent as of August 1, 2020, the Agency and Department shall combine and administer those funds with the amounts made available to them in this section, subject to the standards and criteria established in this section.

Sec. B.1102.1. ADDITIONAL UNEMPLOYMENT SUPPORT

(a) The amount of \$17,000,000.00 is appropriated from the Coronavirus Relief Fund to the Department of Labor to provide direct grants, subject to available funding, of not more than \$100.00 per week for not more than five weeks to Vermonters who received unemployment insurance benefits pursuant to 21 V.S.A. chapter 17 or Pandemic Unemployment Assistance pursuant to pursuant to the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, § 2102, for one or more weekly benefit periods beginning on or after September 27, 2020.

(b) Any funds appropriated in this section that remain unencumbered as of November 15, 2020 shall revert to the Agency of Commerce and Community Development for grants pursuant to 2020 Acts and Resolves No. 137, Sec. 6(a).

Sec. B.1102.2 SOURCE FOR PORTION OF BUSINESS GRANTS CRF APPROPRIATION

(a) \$15,000,000 of the funds appropriated in 2020 Acts and Resolves, No. 137, Sec. 6 as amended by Sec. B.1102 of this act, is pursuant to funds from the \$75,000,000 and \$150,000,000 CRF allocations approved by the Joint Fiscal Committee on May 5, 2020, identified by the Administration and reverted to the Coronavirus Relief Fund due to reassignment to other funding sources, including FEMA, Federal Pandemic Unemployment Assistance, or other federal funds, or determined to have been expended on CRF-eligible expenses at less than the full approved amount.

(b) On or before November 5, 2020, The Commissioner of Finance and Management shall report to the Joint Fiscal Committee on the status of specific allocations and reversions.

* * * Telecommunications-Related Amendments * * *

Sec. B.1103 2020 Acts and Resolves No. 137, Sec. 1(a) is amended to read:

(a) The purpose of this act is to appropriate ~~\$213,200,000.00~~ monies from the Coronavirus Relief Fund to cover necessary broadband connectivity, information technology, housing, and economic relief expenses incurred due to, or as a result of, the COVID-19 public health emergency.

Sec. B.1104 2020 Acts and Resolves No. 137, Sec. 13(e) is amended to read:

(e) Up to ~~\$50,000.00~~ \$175,000.00 of funds appropriated under this section may be used to reimburse the Department of Public Service and the Agency of Digital Services for any costs associated with the deployment of Wi-Fi hotspots not covered by the Federal Emergency Management Agency.

Sec. B.1105 30 V.S.A. § 202d(7) is amended to read:

~~(7) An analysis of available options to support the State's access media organizations.~~ [Repealed.]

Sec. B.1105.1 2020 Acts and Resolves No. 137, Sec. 14(a), is amended to read:

(a) The sum of ~~\$800,000.00~~ \$2,300,000.00 is appropriated to the COVID-Response Connected Community Resilience Program, a grant program to be administered by the Commissioner of Public Service. The purpose of the Program is to fund recovery planning efforts of communications union districts, particularly with regard to accelerating their deployment schedules. Accelerated deployment is necessary in direct response to the COVID-19 public health emergency, which has caused communications union districts to rapidly reassess the connectivity needs in their respective service areas and to reevaluate their deployment objectives going forward, either independently or collaboratively. Conditions of the Program shall include the following:

(1) Costs eligible for funding under this Program include consultant fees, administrative expenses, and any other recovery planning costs deemed appropriate by the Commissioner.

(2) A grant award may not exceed ~~\$100,000.00~~ \$400,000.00.

Sec. B.1105.2 2019 Acts and Resolves No. 79, Sec. 10, subdivision (a)(7), is amended to read:

(7) Studies funded through the Program shall conclude within ~~six~~ 12 months of receipt of the award; distribution utility studies shall conclude within 12 months of receipt of the award.

* * * CRF Reallocations and Joint Fiscal Committee Process * * *

Sec. B.1106 CAPACITY IDENTIFIED FROM PREVIOUSLY
ALLOCATED OR APPROPRIATED CORONAVIRUS RELIEF
FUND MONIES

(a) Reversion of remaining balance of Administration's CRF allocation. Of the \$75,000,000 that the Joint Fiscal Committee authorized the Administration to spend for health and safety and other emergency response needs as a condition for acceptance of the federal Coronavirus Relief Fund grant, as amended by the Committee on May 5, 2020, the sum of \$2,565,237 shall revert to the State's Coronavirus Relief Fund for reallocation in accordance with the appropriations made in this act.

(b) Reversion of Joint Fiscal Committee CRF allocation. Of the \$150,000,000 that the Joint Fiscal Committee authorized pending approval for the Administration to spend for pandemic response needs as a condition for acceptance of the federal Coronavirus Relief Fund grant, as amended by the Committee on May 5, 2020, the sum of \$2,500,000 shall revert to the State's Coronavirus Relief Fund for reallocation in accordance with the appropriations made in this act.

Sec. B.1107 2020 Acts and Resolves No. 108, Sec. 2 is amended to read:

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

~~The sum of up to \$2,700,000.00 is appropriated in FY 2020 from the Coronavirus Relief Fund to the Office of the State Treasurer for use in FY 2020 and FY 2021 for the purpose of providing payments under the Municipal Emergency Statewide Education Property Tax Borrowing Program described in Sec. 1 of this act. Any appropriation amount carried forward to FY 2021 under this section shall revert to the Coronavirus Relief Fund after all eligible short-term borrowing costs incurred through December 30, 2020 have been expended. In the event that costs are incurred for payment under the Municipal Emergency Statewide Education Property Tax Borrowing Program, the Secretary of Administration shall submit a request to the Joint Fiscal Committee for the Committee's approval to make payments from the State's Coronavirus Relief Fund (CRF) monies remaining within the allocation subject to Committee approval or from CRF monies available in accordance with Sec. B.1108, B.1109, or B.1110 of this act.~~

Sec. B.1107.1 2020 Acts and Resolves No. 120, Sec. A.49(a)(6) is amended to read:

(6) Defender General: ~~\$753,000~~ \$453,000 is appropriated to the Defender General for costs incurred or anticipated to be incurred in response to the COVID-19 pandemic.

Sec. B.1108 CORONAVIRUS RELIEF FUND; REALLOCATION;
ALLOCATION OF UNOBLIGATED MONIES; JOINT
FISCAL COMMITTEE

(a) Purpose. As set forth in 2020 Acts and Resolves Nos. 120, 136, 137, and 138, unless otherwise authorized by the Commissioner of Finance and Management, any monies appropriated from the State's Coronavirus Relief Fund (CRF) shall revert to the CRF to the extent they have not been expended by December 20, 2020 to enable reallocation. In addition, CRF monies appropriated during the 2020 legislative session that are no longer necessary because funds have been received for the same or a similar purpose from another source may revert to the CRF for reallocation. The purpose of this section is to establish processes for allocating unobligated CRF monies and for reallocating reverted CRF monies and any unexpended and unencumbered monies appropriated from the CRF that the Commissioner of Finance and Management identifies between the date of final legislative passage of the fiscal year 2021 budget bill and December 20, 2020 as being unable to be expended for their original purposes by December 30, 2020.

(b) Allocation and reallocation.

(1) The Commissioner of Finance and Management may allocate unobligated CRF monies, reallocate reverted CRF monies, and reallocate unexpended and unencumbered CRF monies, upon approval of the proposed allocation or reallocation by the Joint Fiscal Committee as set forth in this subsection.

(2) If the Commissioner of Finance and Management identifies reverted CRF monies, unexpended and unencumbered CRF monies, or unobligated CRF monies, or a combination of these, that the Commissioner wishes to reallocate for a use other than that for which the CRF monies were originally appropriated, or that the Commissioner wishes to allocate, in the case of unobligated CRF monies, the Commissioner shall inform the Joint Fiscal Committee of:

- (A) the amount or amounts available for allocation or reallocation;
- (B) the proposed use or uses of the monies; and

(C) the manner in which the proposed use or uses comply with the parameters set forth in Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance.

(3) Criteria for approval.

(A) Compliance with CRF parameters. In determining whether to approve a proposal submitted by the Commissioner under this section, the Joint Fiscal Committee shall first determine whether each proposed use of CRF monies complies with the parameters set forth in Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance. If the Committee determines that a proposed use likely does not comply with the parameters, the Committee shall disapprove that proposed use.

(B) Timeliness. If the Committee determines that a proposed use likely does comply with the CRF parameters, it shall next consider whether the proposed use is likely to be achievable by December 30, 2020. If the Committee determines that the proposed use is unlikely to be achieved by December 30, 2020, the Committee shall disapprove that proposed use.

(C) Proposed uses.

(i) If the Committee determines that a proposed use likely complies with CRF parameters and is likely achievable by December 30, 2020, then, in light of the uncertainty regarding the continued effects of the COVID-19 public health emergency, the Committee shall evaluate the proposed use in the context of the areas of greatest need at the time of the proposal.

(ii) If the federal government allows the State to use CRF monies for purposes previously not permitted under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance, then, in addition to evaluating the proposed use in the context of the areas of greatest need, the Committee shall prioritize proposed uses related to revenue replacement for State government, local government, and the education finance system, and related to the funding of ongoing State financial liabilities.

(4) Joint Fiscal Committee process.

(A) Upon receipt of the information set forth in subdivision (2) of this subsection (b) from the Commissioner of Finance and Management, the Joint Fiscal Committee shall inform the General Assembly of the proposal and shall approve or disapprove each proposal within 10 calendar days following receipt.

(B) If the Joint Fiscal Committee disapproves a proposal, the Commissioner may revise and resubmit for further consideration. The Joint

Fiscal Committee shall approve or disapprove within five calendar days following receipt of the revised proposal.

(5) Joint Fiscal Meetings. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee on or before November 5, 2020 and December 7, 2020 on the status of reallocation proposals under this section.

(c) Transfer authority. Nothing in this section shall be construed to limit the authority of the Emergency Board to transfer appropriations pursuant to 32 V.S.A. §§ 133 and 706.

(d) Final allocation and reallocation. On or after December 21, 2020, the Commissioner of Finance and Management may reallocate any unexpended and unencumbered CRF monies, and allocate any unobligated CRF monies, to the Department of Labor for reimbursement of claims expenditures made from the Department of Labor Unemployment Insurance Fund between March 1, 2020 and December 30, 2020.

Sec. B.1109 CONTINGENCY PLANNING FOR INCREASED CRF FLEXIBILITY

(a) Purpose. The purpose of this section is to establish processes to be followed in the event that the federal government provides increased flexibility in authorized usage of the State's Coronavirus Relief Fund (CRF) monies following the date of final legislative passage of the fiscal year 2021 budget bill and prior to the convening of the 2021 legislative session.

(b) Expanded uses. If the federal government allows the State to use CRF monies for purposes previously not permitted under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance, but does not extend the period during which the monies must be expended, the Commissioner of Finance and Management shall inform the Joint Fiscal Committee and may propose additional uses of the CRF, which may include using unobligated CRF monies, previously allocated but unencumbered CRF monies that are unable to be expended by December 30, 2020, reverted CRF monies, or a combination of these, for Joint Fiscal Committee approval in accordance with the procedure set forth in Sec. B.1108 of this act, including considering the areas of greatest need.

(c) Extension of time. If the federal government allows the State to use CRF monies beyond the December 30, 2020 deadline established in Sec. 5001 of the CARES Act, Pub. L. No. 116-136, the Commissioner of Finance and Management shall notify the Joint Fiscal Committee of the extension.

(1) If the Joint Fiscal Committee, after consultation with the Commissioner, determines that the extension would allow for the full General

Assembly to consider additional uses of CRF monies during the 2021 legislative session, the Joint Fiscal Committee shall limit its approval of allocations and reallocations pursuant to Sec. B.1108 of this act to those for which prompt action is necessary due to the time-sensitive nature of the proposed use or to the limited duration of the extension, or both.

(2) If the Joint Fiscal Committee, after consultation with the Commissioner, determines that the length of the extension would not provide the full General Assembly with sufficient time to address additional uses of CRF monies during the 2021 legislative session, the Joint Fiscal Committee shall consider the Commissioner's proposals in accordance with the procedure set forth in Sec. B.1108 of this act.

(3) In the event of an extension of time to use CRF monies, the final allocation and reallocation to the Department of Labor pursuant to Sec. B.1108 of this act shall not occur without the approval of the Joint Fiscal Committee.

Sec. B.1110 CONTINGENCY PLANNING FOR ADDITIONAL FEDERAL FUNDING

(a) The purpose of this section is to establish processes to be followed in the event that the federal government provides additional funds to the State of Vermont related to the COVID-19 public health emergency following the date of final legislative passage of the fiscal year 2021 budget bill but prior to the convening of the 2021 legislative session.

(b) If the federal government provides additional Coronavirus Relief Fund (CRF) grant monies to Vermont following the date of final legislative passage of the fiscal year 2021 budget bill but prior to the convening of the 2021 legislative session, the monies shall be subject to the CRF acceptance conditions adopted by the Joint Fiscal Committee, as may be amended.

(c) If the federal government provides an increase of \$10,000,000.00 or more to an existing federal grant other than the CRF grant following the date of final legislative passage of the fiscal year 2021 budget bill but prior to the convening of the 2021 legislative session, the Secretary of Administration shall notify the Joint Fiscal Committee and the General Assembly of the grant award prior to exercising excess receipts authority.

Sec. B.1111 EXTENSION OF APPLICATION DEADLINE; COVID-19 EXPENSE REIMBURSEMENT; LOCAL GOVERNMENT

(a) The Secretary of Administration or designee shall continue to accept and process applications from units of local government for reimbursement of COVID-19 expenses pursuant to 2020 Acts and Resolves No. 137, Sec. 7, provided that the applications are received on or before October 15, 2020.

* * * Pre-K–12 Education Amendments * * *

Sec. B.1112 2020 Acts and Resolves No. 120, Sec. A.50 is amended to read:

Sec. A.50. PRE-K–12 EDUCATION PANDEMIC COSTS:
CORONAVIRUS RELIEF FUND APPROPRIATIONS

(a) Total appropriation. The sum of \$50,000,000 is appropriated in fiscal year 2020, and the sum of \$53,000,000 is appropriated in fiscal year 2021, to the Agency of Education to fund eligible fiscal years 2020 and 2021 expenditures of Vermont prekindergarten–grade 12 public schools and approved independent schools. Eligible expenditures shall conform with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136, and related guidance, and shall be determined by the Secretary of Education.

(1) This funding is allocated to the categories under subsections (b), and (c), ~~and (d)~~ of this section. It is the intent of the General Assembly that CARES Act funding appropriated to the Agency of Education under this section be used to ensure the safe opening and operation of public schools during the COVID-19 state of emergency and that public schools use these funds to the maximum extent permitted by law.

(2) Any unused portion of this funding shall carry over into fiscal year 2021.

(b) Efficiency Vermont. The amount of ~~\$6,500,000~~ \$13,500,000 shall be granted to Efficiency Vermont for the air quality improvement program in Sec. A.51 of this act.

(c) Prekindergarten-12 schools.

(1) Public schools. The sum of ~~\$41,000,000~~ \$88,300,000 shall be granted for the purpose of reimbursing COVID-19 costs incurred by school districts. As used in this section, “school district” means a school district, as defined in 16 V.S.A. § 11(11), or a regional career technical center school district, as defined in 16 V.S.A. § 1571. Of these funds, up to \$4,000,000 of the funds remaining from 2020 Acts and Resolves No. 136, Sec. 12 may be distributed by the Agency of Education to School Food Authorities and other Child Nutrition Program sponsors for the purchase of CARES Act eligible supplies and equipment, including vehicles, freezers, and other capital assets, necessary to provide meals to children using the federal child nutrition programs during the COVID-19 state of emergency. These funds are restricted to costs that exceed the federal per-meal reimbursement received for meals provided through these programs.

* * *

(2) Approved independent schools. The sum of up to ~~\$1,500,000~~ \$1,200,000 shall be granted for the purpose of reimbursing COVID-19 costs incurred by approved independent schools that, as of March 27, 2020 (the date of enactment of the CARES Act), had one or more students enrolled whose tuition was funded by the student's sending school district (publicly funded student).

* * *

~~(d) Accounting and technical assistance. Up to \$1,000,000 shall be available to provide accounting and technical assistance to the supervisory unions and school districts to fully identify COVID-19 expenses and accurately process these within the statewide accounting system. If the appropriated CARES Act funding proves to be insufficient to cover all reimbursement requests, any costs for new pandemic expenses shall be fully covered to the extent of appropriated funds. If proration is necessary, it shall be on requests from school districts of repurposed expenses that freed up previously budgeted funds in fiscal year 2021.~~

* * *

Sec. B.1113 2020 Acts and Resolves No. 120, Sec. A.51 is amended to read:

Sec. A.51. SCHOOL INDOOR AIR QUALITY GRANT PROGRAM;
CORONAVIRUS RELIEF FUND; APPROPRIATION

(a) Appropriation. The sum of ~~\$6,500,000~~ \$13,500,000 appropriated in Sec.A.50(b) of this act from the Coronavirus Relief Fund for Efficiency Vermont in fiscal year 2021 is for purposes of providing grants to Vermont K–12 covered schools to upgrade heating, ventilation, and air conditioning (HVAC) systems, and filtration and other methods of air treatment, in response to the COVID-19 emergency.

* * *

Sec. B.1114 2020–2021 SCHOOL YEAR; AUSTRALIAN BALLOT

(a) Notwithstanding the provisions of 17 V.S.A. § 2680(a) and 16 V.S.A. § 711e that require the voters of a school district to vote to apply the provisions of the Australian ballot system to its annual meeting or special meetings, any school district may apply the Australian ballot system to any or all of its annual meeting and special meetings held in the 2020–2021 school year by vote of its school board.

Sec. B.1115 LENGTH OF 2020–2021 SCHOOL YEAR

Notwithstanding 16 V.S.A. § 1071(a), for the 2020–2021 school year, each public school shall be maintained and operated for not less than 170 student

attendance days, except as provided in subsection (g) of that section, which allows for waivers of this requirement.

Sec. B.1116 2020–2021 SCHOOL YEAR; WAIVER OF ONLINE
TEACHING ENDORSEMENT

Notwithstanding 16 V.S.A. § 1694, for the 2020–2021 school year, the Standards Board for Professional Educators (SBPE) shall waive its requirement for a teacher to hold an endorsement for online teaching in order to teach online or implement remote learning.

Sec. B.1117 ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

(a) Notwithstanding any provision of law to the contrary, the election of a director on the board of a unified union school district who is to serve on the board after expiration of the term for an initial director shall be held at the unified union school district’s annual meeting unless otherwise provided in the district’s articles of agreement.

(b) Notwithstanding any provision of law to the contrary, if a vacancy occurs on the board of a unified union school district and the vacancy is in a seat that is allocated to a specific town, the clerk of the unified union school district shall immediately notify the selectboard of the town. Within 30 days after the receipt of that notice, the unified union school district board, in consultation with the selectboard, shall appoint a person who is otherwise eligible to serve as a member of the unified union school district board to fill the vacancy until an election is held at an annual or special meeting unless otherwise provided in accordance with the unified union school district’s articles of agreement.

(c) This section is repealed on July 1, 2022.

Sec. B.1118 ADM ADJUSTMENT; DECLINE IN STUDENT
ENROLLMENT DUE TO HOME STUDY

Notwithstanding 16 V.S.A. §§ 4001(1) and 4010(b), for the 2020–2021 school year, the Secretary of Education shall determine the average daily membership (ADM) for each school district at a count of not less than the district’s 2019–2020 school year ADM.

Sec. B.1119 REIMBURSEMENT OF TRANSPORTATION EXPENSES
INCURRED DURING THE COVID-19 STATE OF
EMERGENCY

Notwithstanding 16 V.S.A. §§ 1222 and 4016, allowable transportation expenditures shall include the costs incurred by a school district or supervisory union for the transportation of food and other aid to students, families, and members of the community during the COVID-19 state of emergency,

provided that if these expenditures were already reimbursed by federal or State funds, they shall not also be reimbursed under these sections.

Sec. B.1120 PREKINDERGARTEN; TEACHERS; WAIVER

Notwithstanding 16 V.S.A. § 829, if a private provider was prequalified on or before March 15, 2020, then the provider shall retain its prequalified status for the 2020–2021 school year despite the loss of services of a teacher who is licensed and endorsed in early childhood education or in early childhood special education under 16 V.S.A. chapter 51, provided that the private provider continues to meet all other qualification criteria.

Sec. B.1120.1 TASK FORCE FOR UNIVERSAL AFTERSCHOOL
ACCESS; CREATION

(a) Creation. There is created the Task Force for Universal Afterschool Access to consider and make recommendations on the framework for, the costs of, and related long-term funding sources for access to universal afterschool programs.

(b) Membership. The Task Force shall be composed of the following 15 members:

(1) one current member of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) one current member of the Senate, who shall be appointed by the Committee on Committees;

(3) the Secretary of Education or designee;

(4) the Secretary of Human Services or designee;

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

(6) the Executive Director of the Vermont School Boards Association or designee;

(7) the Executive Director of the Vermont Council of Special Education Administrators or designee;

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

(9) the Chair of the Vermont Council of Independent Schools or designee;

(10) a representative of Vermont home study programs, appointed by the Governor;

(11) a representative of Vermont Boys and Girls Clubs, appointed by the Governor;

(12) three representatives of afterschool programs who represent the breadth of geographic areas within the State, appointed by the Governor; and

(13) the Executive Director of Vermont Afterschool, Inc. or designee.

(c) Powers and duties. The Task Force shall consider and make recommendations on the framework for, the costs of, and related long-term funding sources for access to universal afterschool programs.

(1) The Task Force shall map existing afterschool programs and highlight gaps in access and equity, including equity for Vermonters with disabilities.

(2) The Task Force shall recommend, as part of the framework, best practices and key evidence-based strategies to maximize health and substance abuse prevention and shall consult with the Substance Misuse Prevention and Advisory Council.

(3) The Task Force shall consider the report entitled “Closing the Gap in Vermont: The Expanded Learning Opportunities (ELO) Special Fund,” dated November 2015, issued by the Working Group on Expanded Learning Opportunities of Vermont’s PreK–16 Council.

(4) The Task Force shall review the status and results of the Afterschool for All Grant Program administered by the Department for Children and Families.

(5) In exploring funding sources, the Task Force shall prefer solutions that do not draw upon the State’s Education Fund and shall explore the possibility of using potential revenue from the taxation and regulation of cannabis.

(6) The Task Force may recommend legislative language to enact its recommendations.

(d) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education.

(e) Meetings.

(1) The Governor shall call the first meeting of the Task Force to occur on or before October 15, 2020.

(2) The Task Force shall select a chair from among its members at the first meeting.

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

(4) The Task Force shall cease to exist on April 16, 2021.

(f) Reports. On or before April 15, 2021, the Task Force shall submit a written report to the Governor and the House and Senate Committees on Education with its findings and recommendations.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than six meetings.

(2) Members of the Task Force who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than six meetings.

* * * Health Care Stabilization Grant Amendments * * *

Sec. B.1121 2020 Acts and Resolves No. 136, Sec. 7 is amended to read:

Sec. 7. AGENCY OF HUMAN SERVICES; HEALTH CARE PROVIDER STABILIZATION GRANT PROGRAM

(a) Appropriation. The sum of ~~\$275,000,000.00~~ \$247,500,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Human Services in fiscal year 2021 for purposes of establishing the Health Care Provider Stabilization Grant Program as set forth in this section. The Agency shall disburse these funds to eligible health care provider applicants as expeditiously as possible using a needs-based application process.

* * *

(d) Specific allocations. Notwithstanding any provisions of this section to the contrary, of the funds appropriated in subsection (a) of this section, the Agency of Human Services shall make the following allocations for the following purposes:

(1) Up to \$2,000,000.00 for workforce stabilization grants to emergency medical service and ambulance service providers. The Agency shall determine grant awards, taking into consideration the various arrangements under which these providers engage with licensed emergency medical personnel across the State and on the providers' access to other sources of workforce support related to the State's COVID-19 response.

(2) Up to \$3,000,000.00 for COVID-19-related testing in hospitals and long-term care facilities.

(3) Up to \$3,000,000.00 for COVID-19-related expenses incurred by designated and specialized service agencies through December 30, 2020.

(4)(A) \$750,000.00 to the Department of Health for health equity and addressing COVID-19-related health disparities. The Department shall conduct outreach to Vermonters at high risk of adverse outcomes from the COVID-19 pandemic based upon factors such as race, ethnicity, Native American heritage or tribal affiliation, nationality or immigrant status, sexual orientation, gender identity, disability, age, geographic location, or English language proficiency. The Department shall customize the outreach to the higher risk Vermonters after consulting with community organizations with demonstrated experience working successfully with the particular population group. The outreach shall address each population group's unique challenges, if any, in accessing COVID-19 testing and in safely meeting essential needs, including food, shelter, health care, and emotional support, during the public health emergency in order to protect themselves and others from COVID-19 and to prevent suicides and other negative effects of social isolation. The Department may contract for the outreach required by this subdivision (4)(A).

(B) Up to \$100,000.00 of the funds available in this subdivision shall be transferred to the Office of Racial Equity in the Agency of Administration for the creation of a dashboard that would track key indicators and life outcomes using an equity lens, for short-term and long-term use. The dashboard would be publicly accessible and would use widely available mapping software and other data visualization tools to aggregate and display relevant statistical data that can inform leaders and communities of the State's progress in narrowing the racial equity gap. The dashboard would be created through inter-agency partnership and through contracting with third-party data experts. Existing data would be populated into the dashboard, and agencies will be notified of the relevant data that they will be required to continue or begin collecting. Personally identifiable information will be kept secure pursuant to relevant state and federal laws.

(e) Reports.

* * *

Sec. B.1121.1 2020 Acts and Resolves No. 136, Sec. 6 is amended to read:

Sec. 6. FRONT-LINE EMPLOYEES HAZARD PAY GRANT PROGRAM

(a)(1) There is established in the Agency of Human Services the Front-Line Employees Hazard Pay Grant Program to administer and award grants to certain ~~public safety, public health, health care, and human services~~ employers whose employees were engaged in activities substantially dedicated to

mitigating or responding to the COVID-19 public health emergency during the eligible period or were providing essential services to Vermonters.

* * *

(b) As used in this section:

(1) “Agency” means the Agency of Human Services.

(2)(A) “Covered employer” means an entity that employs one or more individuals in Vermont in relation to its operation of one of the following:

* * *

(xii) a morgue; or

(xiii) a provider of necessities and services to vulnerable or disadvantaged populations;

(xiv) a traveling nurse agency or other business whose employees provide temporary or contract nursing services to or on behalf of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided nursing services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) during the eligible period;

(xv) a cleaning or janitorial service that provides cleaning or janitorial services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) in locations that are open to the general public or regularly used by the residents or patients of that covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided cleaning or janitorial services to another covered employer during the eligible period;

(xvi) a food service provider that prepares and provides meals for residents or patients of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided food services to the residents or patients of a covered employer during the eligible period;

(xvii) a grocery store;

(xviii) a pharmacy;

(xix) a retailer identified as essential in Sec. 6, paragraphs f and h of Addendum 6 to Executive Order 01-20, provided that, during the eligible period, the retail establishment was open to the general public for in-person sales;

(xx) a wholesale distributor making deliveries to a retailer described in subdivisions (xvii)–(xix) of this subdivision (b)(2)(A);

(xxi) a trash collection, waste management, or septic service;

(xxii) an operator of a privately owned water pollution abatement and control facility, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who performed work in the water pollution abatement and control facility;

(xxiii) a child care facility as defined in 33 V.S.A. § 3511 that provided child care services to essential service providers pursuant to Directive 2 of Executive Order 01-20;

(xxiv) a vocational rehabilitation service provider;

(xxv) a funeral establishment or crematory establishment as defined in 26 V.S.A. § 1211; or

(xxvi) an agency licensed pursuant to 26 V.S.A. § 3172 that provides security services, as defined in 26 V.S.A. § 3151, to another covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided security services to another covered employer during the eligible period.

* * *

(4)(A) “Eligible employee” means an individual who:

* * *

(iv) except in the case of employees of home health agencies and nursing homes, earns employees of an employer described in subdivision (2)(A)(xiv) of this subsection (b) that provides nursing services to or on behalf of a home health agency or nursing home, and resident physicians and dentists employed by an employer described in subdivision (2)(A)(v), earned an hourly base wage of \$25.00 or less during the eligible period;

* * *

(C) “Eligible employee” does not include an individual who has received unemployment insurance benefits for any more than one week during the eligible period, provided that, notwithstanding any provision of subsection (c) of this section to the contrary, such an employee shall only be eligible for a grant in the amount of \$1200.00.

* * *

~~(i)(1) The definition of “covered employer” set forth in subdivision (b)(2) of this section shall be deemed to include to the types of employers listed in subdivision (b)(2) of this subsection to the extent permitted by federal law and any applicable guidance if either of the following occurs:~~

~~(A) the permissible uses of monies in the Coronavirus Relief Fund pursuant to Sec. 5001 of the CARES Act, Pub. L. No. 116-136, as amended, and any related guidance are expanded to permit the payment of hazard pay to employees of some or all of the types of employers listed in subdivision (2) of this subsection (i); or~~

~~(B) a federal program that grants money directly to the State, which may be used to provide hazard pay to employees of some or all of the types of employers listed in subdivision (2) of this subsection (i), is enacted.~~

~~(2) The following types of employers may be deemed to be included within the definition of "covered employer" set forth in subdivision (b)(2) of this section if the requirements of subdivision (1) of this subsection are met:~~

~~(A) a grocery store;~~

~~(B) a pharmacy;~~

~~(C) a retailer identified as essential in Sec. 6, paragraphs f and h of addendum 6 to Executive Order 01-20, provided that, during the eligible period, the majority of the retail establishment was open to the general public for in-person sales rather than curbside pickup or delivery;~~

~~(D) a wholesale distributor making deliveries to a retailer described in subdivisions (A)–(C) of this subdivision (i)(2);~~

~~(E) a trash collection or waste management service;~~

~~(F) a janitorial service that provides cleaning or janitorial services to another covered employer;~~

~~(G) a child care facility as defined in 33 V.S.A. § 3511 that is providing child care services to essential service providers pursuant to Directive 2 of Executive Order 01-20;~~

~~(H) a vocational rehabilitation service provider; or~~

~~(I) a funeral establishment or crematory establishment as defined in 26 V.S.A. § 1211. [Repealed.]~~

Sec. B.1121.2 APPROPRIATION

The additional sum of \$20,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Human Services in fiscal year 2021 for the administration and payment of grants pursuant to the Front-Line Employees Hazard Pay Grant Program established in 2020 Acts and Resolves No. 136, Sec. 6.

Sec. B.1121.3 DELEGATION OF ADMINISTRATIVE
RESPONSIBILITIES

Notwithstanding any provision of 2020 Acts and Resolves No. 136, Sec. 6 to the contrary, the Secretary of Human Services may, with the approval of the Secretary of Administration, delegate administration of specific aspects of the Front-Line Employees Hazard Pay Grant Program to other agencies and departments of the State.

* * * Economic Stimulus Equity Program * * *

Sec. B.1122 VERMONT CORONAVIRUS ECONOMIC STIMULUS
EQUITY PROGRAM

(a) Definitions. As used in this section:

(1) “CARES Act” means the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116–136.

(2) “Economic Impact Payment” means a recovery rebate for individuals authorized under section 2201 of the CARES Act as codified in 26 U.S.C. § 6428.

(3) “Eligible adult” means any individual who is a current resident of Vermont, was a resident of Vermont on April 1, 2020, and was ineligible to receive an economic impact payment under the CARES Act due to immigration status.

(4) “Eligible child” means an individual under 17 years of age for whom an eligible adult is a parent or guardian.

(5) “Personally identifiable information” means an individual’s:

(A) name;

(B) address;

(C) date of birth;

(D) place of birth;

(E) immigration status;

(F) unique biometric data generated from measurements or technical analysis of human body characteristics used to identify or authenticate the individual, such as a fingerprint, retina or iris image, or other unique physical representation or digital representation of biometric data;

(G) name or address of a member of the individual’s immediate family or household;

(H) Social Security number or other government-issued identification number; or

(I) other information that, either alone or in combination with the information listed in subdivisions (A)–(H) of this subdivision (5), would allow a reasonable person to identify the individual with reasonable certainty.

(6) “Resident of Vermont” means any individual living in Vermont who intends to make the State his or her principal place of domicile either permanently or for an indefinite number of years. Individuals who live in the State for a particular purpose involving a defined period of time, including students, migrant workers employed in seasonal occupations, and individuals employed under a contract with a fixed term, are not residents for purposes of this section.

(b) Establishment of Program; eligibility; maximum award.

(1) On or before November 15, 2020, the Agency of Administration shall establish the Vermont Coronavirus Economic Stimulus Equity Program to award direct relief grant payments to eligible adults and eligible children.

(2) In order to receive payment under the Program, an eligible adult shall certify that he or she:

(A) is a resident of Vermont;

(B) was ineligible to receive an economic impact payment under the CARES Act due to reasons of immigration status; and

(C) had an adjusted gross income of less than \$99,000.00 in taxable year 2019 or, if filing jointly, an adjusted gross income of less than \$198,000.00 in taxable year 2019.

(3) Each eligible adult shall receive \$1,200.00 and \$500.00 for each eligible child, provided that an eligible adult shall not receive an award for an eligible child if another applicant received an award for that child.

(4) Each award issued under this section shall be issued as a direct payment from the State of Vermont.

(5) All applications for a payment under this section shall be submitted on or before March 1, 2021.

(c) Administration of Program.

(1) The Program shall be administered by the Agency of Administration in consultation with the Executive Director of Racial Equity and the Agency of Human Services. The Agency of Administration may partner with public or

private entities to conduct outreach, provide application assistance, process grant applications, or deliver assistance payments to eligible individuals.

(2) The Agency shall adopt requirements, guidelines, or procedures as necessary to implement and administer the Program. When the Agency adopts requirements, guidelines, or procedure under this subdivision, it shall consider how to disperse payments to applicants who lack banking services or a mailing address to which a payment may be sent. The Agency shall not be required to initiate rulemaking pursuant to 3 V.S.A. § 831(c) in relation to any requirement, guideline, or procedure that is adopted or issued in relation to the Program.

(3) The Agency may utilize staff and resources from any State agency or department as necessary to administer the Program and may partner with any nongovernmental entity to promote or implement the Program.

(d) Contract for implementation. Notwithstanding any provision of law to the contrary, the Agency may enter into contracts, as deemed necessary, with any nongovernmental entity to implement and administer the Program without the need to competitively bid such contracts. For the purposes of the Program, the public health risk posed by COVID-19 shall be deemed to be an emergency situation that justifies the execution of sole source contracts pursuant to Bulletin 3.5, the State's Procurement and Contracting Procedures.

(e) Confidentiality; personally identifiable information. All personally identifiable information that is collected by the Agency through implementation of the Program by any entity of State government performing a function of the Program or by any entity that the Agency contracts with to perform a function of the Program shall be kept confidential and shall be exempt from inspection and copying under the Public Records Act.

(f) Protection of personally identifiable information. The Agency shall ensure that any entity of State government performing a function of the Program or any entity that the Agency contracts with to perform a function of the Program:

(1) implements appropriate procedures and safeguards to protect any personally identifiable information that it obtains in relation to the Program;

(2) shall not disclose an individual's personally identifiable information to another State entity or contractor performing a function of the Program unless that disclosure is necessary for the administration of the Program;

(3) complies with the prohibition on disclosure of personally identifiable information under 20 V.S.A. § 4651; and

(4) complies with all applicable requirements of 9 V.S.A. chapter 62.

(g) Reports.

(1) The Secretary of Administration shall report to the Joint Fiscal Committee at the November meeting of the Committee regarding how the Agency of Administration or its contractors will make payments under the Program, including how payments shall be dispersed to applicants who lack banking services or a mailing address to which a payment may be sent.

(2) On or before April 30, 2021, the Secretary of Administration shall report to the House Committee on Appropriations and the Senate Committee on Appropriations regarding the implementation and administration of the Vermont Coronavirus Economic Stimulus Equity Program. The report shall include:

(A) a summary of the payments awarded under the Program, including the amount of payments awarded;

(B) any challenges encountered by the Agency or contractors in the implementation and administration of the Program; and

(C) a summary of the results or success of the Program.

Sec. B.1123 APPROPRIATION; VERMONT CORONAVIRUS ECONOMIC STIMULUS EQUITY PROGRAM; REVERSION

(a) The amount of \$5,000,000 is appropriated from General Fund in fiscal year 2021 to the Agency of Administration for the administration and payment of grants pursuant to the Vermont Coronavirus Economic Stimulus Equity Program. Up to \$50,000.00 of the funds available under this section may be allocated for the administration of the Program.

(b) In fiscal year 2021 \$3,000,000 is unreserved from the Human Services Caseload Reserve established in 32 V.S.A. § 308b. To the extent that funds appropriated in this section have not been awarded on or before June 30, 2021, the remaining appropriation shall be reverted and reserved in the Human Services Caseload Reserve established in 32 V.S.A. § 308b. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee in July 2021 on any funds reverted and reserved under this subsection.

Sec. B.1123.1 FISCAL YEAR 2021 YEAR-END CLOSEOUT TRANSFERS

(a) At the close of fiscal year 2021, after the application of the provisions of 32 V.S.A. § 308(b), and before the application of 32 V.S.A. § 308(c) up to \$5,000,000 of any remaining unreserved and undesignated end of fiscal year 2021 General Fund surplus shall be allocated as follows:

(1) First, up to \$3,000,000 in funds, as necessary shall be reserved in the Human Services Caseload Reserve established in 32 V.S.A. § 308b to offset funds unreserved and not reverted and reserved in accordance with Sec. B.1123 (b) of this act; and

(2) Second, up to \$2,000,000 shall be transferred for deposit in the Tobacco Settlement Fund established in 32 V.S.A § 435a to offset future deficits and to be available for appropriation in fiscal year 2022.

* * * Agricultural Amendments * * *

Sec. B.1124 AGRICULTURE CRF ASSISTANCE PROGRAMS;
APPLICATION DEADLINES

Notwithstanding the application deadlines in 2020 Acts and Resolves No. 138, Secs. 6 and 7 for the Dairy Assistance Program and the Non-dairy Agricultural Producer and Processor Assistance Program, the deadline for all applications for Coronavirus Relief Fund Assistance from the Agency of Agriculture, Food and Markets shall be November 15, 2020.

Sec. B.1125 2020 Acts and Resolves No. 138, Sec. 8 is amended to read:

Sec. 8. EDUCATION AND OUTREACH; AGRICULTURAL
ASSISTANCE PROGRAMS; REPORTING; REVERSION

* * *

(c) The Secretary of Agriculture, Food and Markets, beginning on July 1, 2020 and ending on January 1, 2021, shall report to the Senate Committees on Agriculture and on Appropriations and the House Committees on Agriculture and Forestry and on Appropriations on the first day of each month regarding the status of the ~~Dairy Assistance Program and the Non-dairy Agricultural Producer and Processor Assistance Program~~ Coronavirus Relief Fund assistance programs established by this act. The report shall include:

(1) the number of applicants for assistance in each month and overall;
and

(2) the amount of grant funds awarded under each program.

(d)(1) In the ~~September~~ October 1, 2020 report required under subsection (c) of this section, the Secretary of Agriculture, Food and Markets shall provide an accounting of the ~~funds~~ Coronavirus Relief Funds remaining to be appropriated under the Dairy Assistance Program, the Non-dairy Agricultural Producer and Processor Assistance Program, and the Working Lands Enterprise Board.

(2) If ~~Non-dairy Agricultural Producer and Processor Assistance Program funds~~ Coronavirus Relief Funds appropriated to the Dairy Assistance

Program remain unappropriated or unencumbered for award after expiration of the initial application deadline on ~~September 15~~ October 1, 2020, the Secretary of Agriculture, Food and Markets may reallocate funds from the Non-dairy Agricultural Producer and Processor Assistance Program for award under the Dairy Assistance Program up to \$2,000,000.00 of the Coronavirus Relief Funds appropriated to the Dairy Assistance Program to the Non-dairy Agricultural Producer and Processor Assistance Program or to the Working Lands Enterprise Board to meet applicant needs under one or both of those programs.

Sec. B.1126 AGRICULTURE CRF ASSISTANCE PROGRAMS;
APPLICATION PROCESSING; REVERSION

(a) The Secretary of Agriculture, Food and Markets shall process all applications for Coronavirus Relief Fund assistance received prior to the effective date of this act in the order the application was received. Applicants who submitted applications prior to the effective date of this act shall not be required to refile an application.

(b) Notwithstanding 2020 Acts and Resolves No. 137, Sec. 6(d)(3), funds appropriated from the Coronavirus Relief Fund to the Working Lands Enterprise Board under 2020 Acts and Resolves No. 137, Sec. 6(a)(2) shall not revert to the Agency of Commerce and Community Development on November 15, 2020 if unencumbered. Instead, the funds appropriated to the Working Lands Enterprise Board under 2020 Acts and Resolves No. 137, Sec. 6(a)(2)(A) shall remain available for award until the reversion required under 2020 Acts and Resolves No. 137, Sec. 3(4).

(c)(1) Notwithstanding 2020 Acts and Resolves No. 138, Sec. 7(d)(5), it is the intent of the General Assembly that eligible applicants under the Non-dairy Agricultural Producer and Processor Assistance Program that had a net business profit between March 1, 2020 and August 1, 2020 shall be reviewed for eligibility for assistance through the Coronavirus Relief Fund Working Lands Grant Program and that the criterion of no net business profit shall not be applied as a criteria for disqualifying an applicant for Coronavirus Relief Fund assistance from the Agency of Agriculture, Food and Markets.

(2) It is the intent of the General Assembly that a sole proprietor that applies for Coronavirus Relief Fund assistance from the Agency of Agriculture, Food and Markets shall not be disqualified from receiving an award because the sole proprietor has not filed a W-2 form in the 2018 or 2019 taxable year.

Sec. B.1127 FARMERS' MARKETS; RELIEF ASSISTANCE

(a) As used in this section, "farmers' market" means the organization that oversees or manages an event or series of events at which two or more vendors of agricultural products, as defined in 11 V.S.A. § 991, gather for purposes of offering for sale to the public their agricultural products.

(b) If Coronavirus Relief Funds appropriated to the Agency of Agriculture, Food and Markets under 2020 Acts and Resolves No. 138 remain unexpended or unencumbered after October 1, 2020, the Secretary of Agriculture, Food and Markets may use up to \$140,000.00 of the unexpended or unencumbered Coronavirus Relief Funds in fiscal year 2021 for the purpose of awarding grants under this section to farmers' markets in the State that have suffered verifiable lost revenues or expenses caused by the COVID-19 public health emergency.

(c) To be eligible for an award under this section, a farmers' market shall have annual gross sales of less than \$10,000.00. A farmers' market shall demonstrate to the Agency lost revenues or expenses that occurred or accrued on or after March 1, 2020 and before November 1, 2020 due to the COVID-19 public health emergency and shall submit an application by the deadline established by the Agency of Agriculture, Food and Markets. The Agency of Agriculture, Food and Markets shall award grants under this section equitably to all eligible farmers' markets in the State, provided that the maximum amount of an award under this section shall be \$2,000.00.

* * *Allocations, Transfers, and Reserves * * *

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$518,000 is appropriated from the Current Use Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$518,000 from the property transfer tax that are deposited into the Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$10,580,695 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Notwithstanding 10 V.S.A. § 312, amounts above \$10,580,695 from the property transfer tax and surcharge established by 32 V.S.A. § 9602a that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(A) The dedication of \$2,500,000 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the affordable housing bond (10 V.S.A. § 314) is to be offset by the reduction of \$1,500,000 in the appropriation to the Vermont Housing and Conservation Board and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2021 appropriation of \$10,580,695 to VHCB reflects the \$1,500,000 reduction and the addition of \$100,000 to support the cost of technical assistance for writing grants. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, the \$1,500,000 reduction in the appropriation to VHCB is intended to be restored.

(3) The sum of \$3,760,599 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,760,599 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,760,599 shall be allocated as follows:

(A) \$2,924,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$457,482 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b); and

(C) \$378,700 to the Agency of Digital Services for the Vermont Center for Geographic Information.

Sec. D.100.1 CARRY FORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, Education Fund, Clean Water Fund (Fund 21932), and Agricultural Water Quality Fund (Fund 21933) appropriations remaining unexpended on June 30, 2021 in the Executive Branch of State government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2021 in the Legislative and Judicial Branches of State government shall be carried forward and shall be designated for expenditure.

Sec. D.100.2 2020 Acts and Resolves No. 109, Sec. 30 is amended read:

Sec. 30 APPLICATION OF FISCAL YEAR 2020 DEFERRED TAX PAYMENTS COLLECTED IN FISCAL YEAR 2021

(a) To the extent that tax payments that were due to the State in fiscal year 2020 but were deferred as a result of state and federal emergency action taken

in response to the Coronavirus Pandemic are received into the General Fund through August 15, 2020, funds from such payments shall be transferred or reserved as follows:

(1) First, to the extent any interfund loan was made from the Coronavirus Relief Fund under the provision of Sec. 29(b) of this act, in an amount to repay the balance of the interfund loan.

(2) Second, in the Human Services Caseload Reserve, in an amount to bring this reserve balance up to \$98,236,983.

(3) Third, in the General Fund Budget Stabilization Reserve, in an amount to bring this reserve balance up to ~~\$81,472,791~~ \$80,365,373.

(4) Fourth, in General Fund Balance Reserve (aka Rainy-Day Fund), in an amount to bring this reserve balance up to \$31,553,274.

(5) Finally, any additional amounts received from such payments shall remain available in the General Fund for appropriation in fiscal year 2021.

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

(1) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund created under 6 V.S.A. § 4803: \$3,408,000.

(2) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Lakes in Crisis Special Fund created under 10 V.S.A. § 1315: \$50,000.

(3) From the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$523,966.

(4) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund established by 32 V.S.A. § 951a for funding fiscal year 2022 transportation infrastructure bonds debt service: \$2,505,863.

(5) From the Tobacco Litigation Settlement fund to the General Fund: \$1,657,844.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2021:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

| | | |
|--------------|---|----------------------|
| <u>22005</u> | <u>AHS Central Office earned federal receipts</u> | <u>6,474,593.00</u> |
| <u>50300</u> | <u>Liquor Control Fund</u> | <u>22,740,000.00</u> |
| <u>21990</u> | <u>State Health Care Resources Fund</u> | <u>3,000,000.00</u> |
| <u>62100</u> | <u>Unclaimed Property Fund</u> | <u>2,710,636.00</u> |
| | <u>Caledonia Fair</u> | <u>5,000.00</u> |
| | <u>North Country Hospital Loan</u> | <u>24,047.00</u> |
| <u>21917</u> | <u>Public Funds Investigation Fund</u> | <u>100,000.00</u> |

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its next meeting following the final amounts being transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

| | | |
|--------------|--|---------------------|
| <u>21638</u> | <u>AG-Fees & reimbursement – Court order</u> | <u>2,250,000.00</u> |
| <u>21928</u> | <u>Secretary of State Services Funds</u> | <u>2,867,898.00</u> |

(3) Notwithstanding 2016 Acts and Resolves No. 172, Section E. 228, \$40,368,350 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), the Financial Institution Regulatory and Supervision Fund (Fund Number 21065), and the Securities Regulatory and Supervision Fund (Fund Number 21080) shall be transferred to the General Fund.

(c) Notwithstanding any provisions of law to the contrary, in fiscal year 2021:

(1) The following amounts shall revert to the General Funds from the Accounts indicated:

| | | |
|-------------------|------------------------------------|-------------------|
| <u>1100891701</u> | <u>AOA – Security Improvements</u> | <u>597.25</u> |
| <u>1105500000</u> | <u>Comm & Info Technology</u> | <u>23,186.10</u> |
| <u>1110003000</u> | <u>Budget & Management</u> | <u>100,000.00</u> |
| <u>1120020000</u> | <u>Tuition Assistance Program</u> | <u>158,596.48</u> |
| <u>1130030000</u> | <u>Department of Libraries</u> | <u>83,465.46</u> |
| <u>1140010000</u> | <u>Tax Operation Costs</u> | <u>147,169.75</u> |
| <u>1140040000</u> | <u>Homeowner Rebates</u> | <u>970,887.77</u> |

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| <u>1140060000</u> | <u>Reappraisal & Listing Payments</u> | <u>274,918.00</u> |
| <u>1140070000</u> | <u>Use Tax Reimbursement Program</u> | <u>100,858.00</u> |
| <u>1150500000</u> | <u>BGS Purchasing</u> | <u>190,861.33</u> |
| <u>1210002000</u> | <u>Legislature</u> | <u>350,000.00</u> |
| <u>1220000000</u> | <u>Joint Fiscal Office</u> | <u>25,000.00</u> |
| <u>1240001000</u> | <u>Lieutenant Governor</u> | <u>4,577.90</u> |
| <u>1250010000</u> | <u>Auditor of Accounts</u> | <u>98,067.65</u> |
| <u>1260010000</u> | <u>Treasurer</u> | <u>50,756.00</u> |
| <u>2100001000</u> | <u>Attorney General</u> | <u>285,007.00</u> |
| <u>2100891701</u> | <u>Tobacco Master Settlement – Diligent enforcement</u> | <u>68,161.12</u> |
| <u>2110000100</u> | <u>Public Defense</u> | <u>100,000.00</u> |
| <u>2110010000</u> | <u>Assigned Counsel</u> | <u>5.93</u> |
| <u>2120000000</u> | <u>Judiciary</u> | <u>1,415,000.00</u> |
| <u>2130100000</u> | <u>State’s Attorneys</u> | <u>386,007.96</u> |
| <u>2130200000</u> | <u>Sheriffs</u> | <u>498,806.86</u> |
| <u>2130400000</u> | <u>Special investigative unit</u> | <u>42,839.13</u> |
| <u>2140010000</u> | <u>DPS – State Police</u> | <u>209,538.68</u> |
| <u>2140030000</u> | <u>DPS – Emergency Management</u> | <u>18,698.43</u> |
| <u>2150010000</u> | <u>Military – administration</u> | <u>986,987.68</u> |
| <u>2200030000</u> | <u>Ag Development Division</u> | <u>50,000.00</u> |
| <u>2280001000</u> | <u>Human Rights Commission</u> | <u>32,510.44</u> |
| <u>3150070000</u> | <u>Mental Health</u> | <u>438,632.00</u> |
| <u>3150891902</u> | <u>DMH – Critical Access Hospitals</u> | <u>16,802.23</u> |
| <u>3310000000</u> | <u>Commission on Women</u> | <u>9,315.16</u> |
| <u>3310891801</u> | <u>VCW – Sexual Harass Public Outreach</u> | <u>20,794.35</u> |
| <u>3330010000</u> | <u>Green Mountain Care Board</u> | <u>304,288.84</u> |
| <u>3400001000</u> | <u>Secretary’s Office Admin Costs</u> | <u>456,648.67</u> |
| <u>3400004000</u> | <u>Global Commitment</u> | <u>6,451,752.42</u> |
| <u>3400010000</u> | <u>Human Services Board</u> | <u>25,000.00</u> |

| | | |
|-------------------|--|---------------------|
| <u>3400891804</u> | <u>AHSCO – Medicaid Financial Require</u> | <u>693,332.98</u> |
| <u>3400891902</u> | <u>AHSCO – Elec Med/Health Records Syst</u> | <u>36,106.00</u> |
| <u>3410010000</u> | <u>DVHA – Administration</u> | <u>17,409.43</u> |
| <u>3410017000</u> | <u>DVHA – Programs - State Only</u> | <u>0.35</u> |
| <u>3420021000</u> | <u>Department of Health – Public Health</u> | <u>611,354.34</u> |
| <u>3420060000</u> | <u>Department of Health – ADAP</u> | <u>256,286.12</u> |
| <u>3440010000</u> | <u>Department for Children & Families – Admin & Support Services</u> | <u>2,340,774.40</u> |
| <u>3440050000</u> | <u>Department for Children & Families – AABD</u> | <u>74,877.24</u> |
| <u>3440060000</u> | <u>Department for Children & Families – General Assistance</u> | <u>1,005,971.77</u> |
| <u>3440080000</u> | <u>Department for Children & Families – Reach Up</u> | <u>601,823.99</u> |
| <u>3440120000</u> | <u>Department for Children & Families – Woodside</u> | <u>435,335.04</u> |
| <u>3460010000</u> | <u>DAIL – Administration</u> | <u>300,000.14</u> |
| <u>3480001000</u> | <u>Department of Corrections – Administration</u> | <u>171,141.94</u> |
| <u>3480002000</u> | <u>Department of Corrections – Parole Board</u> | <u>23,571.32</u> |
| <u>3480003000</u> | <u>Department of Corrections – Education</u> | <u>58,556.50</u> |
| <u>3480004000</u> | <u>Department of Corrections – Correctional Services</u> | <u>4,885,587.79</u> |
| <u>3480006000</u> | <u>Department of Corrections – Out of State Beds</u> | <u>109,339.10</u> |
| <u>4100500000</u> | <u>Department of Labor</u> | <u>200,000.00</u> |
| <u>5100010000</u> | <u>Agency of Education – Administration</u> | <u>91,312.39</u> |
| <u>5100060000</u> | <u>Agency of Education – Adult Basic Education</u> | <u>14,497.00</u> |
| <u>5100070000</u> | <u>Agency of Education – Education Services</u> | <u>123,118.58</u> |
| <u>5100210000</u> | <u>Agency of Education – Flexible Pathways</u> | <u>31,539.35</u> |
| <u>5100400000</u> | <u>Agency of Education – State Board of Education</u> | <u>47,416.83</u> |
| <u>5100891803</u> | <u>AOE – Advisory Group Compensation</u> | <u>4,533.97</u> |

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|-------------------|--|-------------------|
| <u>5100892001</u> | <u>AOE – Workgroup Expense Reimbursement</u> | <u>15,090.51</u> |
| <u>6100010000</u> | <u>Admin., Management & Planning</u> | <u>8,162.47</u> |
| <u>6100040000</u> | <u>Property Tax Assessment Appropriation</u> | <u>48,650.41</u> |
| <u>7100000000</u> | <u>ACCD – Administration</u> | <u>196,074.00</u> |
| <u>7100891902</u> | <u>ACCD – Workforce Development</u> | <u>750,000.00</u> |
| <u>7120010000</u> | <u>Economic Development</u> | <u>750,000.00</u> |

(2) The following amounts shall revert to the Education Fund from the accounts indicated:

| | | |
|-------------------|---|---------------------|
| <u>5100040000</u> | <u>Special Education</u> | <u>5,770,436.00</u> |
| <u>5100050000</u> | <u>State placed Students</u> | <u>3,303,708.00</u> |
| <u>5100090000</u> | <u>Education Grants</u> | <u>1,907,842.00</u> |
| <u>5100110000</u> | <u>Small Schools</u> | <u>596,191.00</u> |
| <u>5100190000</u> | <u>Essential Early Education</u> | <u>360,491.00</u> |
| <u>5100200000</u> | <u>Technical Education</u> | <u>1,713,671.00</u> |
| <u>5100010000</u> | <u>Administration</u> | <u>115,260.00</u> |
| <u>5100891804</u> | <u>Education Funding Study</u> | <u>2,401.00</u> |
| <u>1140060000</u> | <u>Reappraisal & Listing Payments</u> | <u>190,948.00</u> |
| | <u>Total</u> | <u>13,960,950</u> |

(3) The following amounts shall revert to the Tobacco Fund from the accounts indicated:

| | | |
|-------------------|-----------------------------------|------------------|
| <u>3400891802</u> | <u>Invest Substance Use Treat</u> | <u>2,000,000</u> |
|-------------------|-----------------------------------|------------------|

(d) In fiscal year 2021, the following General Fund reserves shall be made:

(1) Pursuant to 32 V.S.A. § 308 and Section D.100.2 of this Act, \$541,962 shall be reserved in the General Fund Budget Stabilization Reserve.

(e) In fiscal year 2021, \$2,148,800 is unreserved from the Transportation Fund Stabilization Fund established in 32 V.S.A. § 308a.

Sec. D.102 CONTRIBUTION TO THE 27/53 RESERVE

(a) \$1,850,000 general fund shall be reserved in the 27/53 reserve in fiscal year 2021. This action is the fiscal year 2021 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. §308e.

Sec. D.103 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103, as amended by 2013 Acts and Resolves No. 1, Sec. 65, as amended by 2014 Acts and Resolves No. 95, Sec. 62, as amended by 2018 Acts and Resolves No. 87, Sec. 47, as amended by 2018 (Sp. Sess.) Acts and Resolves No. 11 Sec. E.111.1, as amended by 2019 Acts and Resolves No. 6, Sec.102 is further amended to read:

Sec. 282 TAX COMPUTER SYSTEM MODERNIZATION FUND

(a) Creation of fund.

(1) There is established the Tax Computer System Modernization Special Fund to consist of:

* * *

~~(C) Thirty percent of the incremental tax receipts received as a direct result of the implementation of the integrated tax system beginning in calendar year 2014, including any additional data warehouse modules. The Commissioner of Finance and Management shall approve baseline tax receipts in order to measure the increment from the new integrated tax system. An amount not to exceed two percent of the total revenue collected from billed and offset liabilities made by the Department of Taxes.~~

* * *

Sec. D.104 2019 Acts and Resolves No. 72, Sec. C.115 is amended to read:

Sec. C.115 SPECIAL FUND APPROPRIATION FOR TAX COMPUTER SYSTEMS

(a) In fiscal year 2019, \$10,000,000 is appropriated to the Department of Taxes from the Tax Computer System Modernization Special Fund established pursuant to 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103, as amended by 2013 Acts and Resolves No. 1, Sec. 65, as amended by 2014 Acts and Resolves No. 95, Sec. 62, as amended by 2018 Acts and Resolves No. 87, Sec. 47, as amended by 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.111.1, and as further amended by 2019 Acts and Resolves No. 6, Sec. 102. This appropriation shall carryforward through fiscal year ~~2022~~ 2025.

* * * General Government * * *

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following permanent classified positions is authorized in fiscal year 2021 and shall be transferred and converted from existing vacant positions in the Executive Branch and shall not increase the

total number of authorized State positions, as defined in Section A.107 of this Act:

(1) In the Agency of Agriculture, Food and Markets' Clean Water Division – Two (2) positions as follows:

(A) Two (2) Water Quality Specialist II positions.

Sec. E.100.1 10 V.S.A. § 1389b(a) is amended to read:

(a) On or before January 15, ~~2024~~ 2023, the Secretary of Administration shall submit to the House and Senate Committees on Appropriations, the Senate Committee on Finance, the House Committee on Ways and Means, the Senate Committee on Agriculture, the House Committee on Agriculture and Forestry, the Senate Committee on Natural Resources and Energy, and the House Committee on Natural Resources, Fish, and Wildlife a program audit of the Clean Water Fund. The audit shall include:

* * *

Sec. E.100.2 2014 Acts and Resolves No. 179, Sec. E100(d), as amended by 2015 Acts and Resolves No. 4, Sec. 74, 2106 Acts and Resolves No. 172, Sec. E.100.2, 2017 Acts and Resolves No. 85, Sec. E.100.1, amended by 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.100.1 and by 2020 Acts and Resolves No. 120, Sec. A.7 is further amended to read:

(d) Position Pilot Program. A Position Pilot is hereby created to assist participating departments in more effectively managing costs of overtime, compensatory time, temporary employees, and contractual work by removing the position cap with the goal of maximizing resources to the greatest benefit of Vermont taxpayers.

* * *

(7) This Pilot shall sunset on ~~September 30, 2020~~ July 1, 2021, unless extended or modified by the General Assembly.

Sec. E.100.3 REPORT; USE OF CORONAVIRUS RELIEF FUNDS

(a) On or before February 15, 2021, the Agency of Administration shall submit a report to the General Assembly on all grant programs administered through December 30, 2020 using Coronavirus Relief Funds.

Sec. E.111 Tax – administration/collection

(a) Of this appropriation, \$15,000 is from the Current Use Administration Special Fund established by 32 V.S.A. § 9610(c) and shall be used for programming changes to the CAPTAP software used by municipalities for establishing property values and administering their grand lists.

Sec. E.111.1 FISCAL YEAR 2022 PROPERTY TAX RATES;
COMMISSIONER'S DECEMBER 1 LETTER; FISCAL YEAR
2021 PROJECTED EDUCATION FUND DEFICIT

(a) Findings and purpose. Vermont law under 32 V.S.A. § 5402b(a) requires the Commissioner of Taxes, not later than December 1, 2020, to calculate and recommend statewide education property tax rates for fiscal year 2022. In making that recommendation, the Commissioner must calculate tax rates at an amount sufficient to cover any projected fiscal year 2021 deficit and to maintain the stabilization reserve under 16 V.S.A. § 4026 at five percent. In 2020 Acts and Resolves No. 122, Sec. 2, however, the General Assembly expressed its intent to address any projected deficit in the Education Fund for fiscal year 2021 by using federal funds, applying reversions, drawing down the stabilization reserve, using other sources of revenue, reducing costs, borrowing, or using any other source of funding, including making appropriations from the General Fund or other funds. The actions outlined in Act 122 with respect to a projected fiscal year 2021 deficit in the Education Fund are intended to relieve school boards of the responsibility for responding to such projected fiscal year 2021 deficit through school budgeting decisions for fiscal year 2022. Given that the statutory requirements imposed on the Commissioner for tax rate recommendations would not reflect the General Assembly's express intent in Act 122, the Commissioner shall calculate and recommend statewide education property tax rates for fiscal year 2022 as established under this section.

(b) December 1 letter for fiscal year 2022. Notwithstanding any other provision of law, to the extent that the fiscal year 2022 consensus projections under 32 V.S.A. § 5402b include a deficit in the Education Fund for fiscal year 2021, when calculating and making recommendations for the fiscal year 2022 property dollar equivalent yield, income dollar equivalent yield, and nonhomestead property tax rate as required under 32 V.S.A. § 5402b(a), the Commissioner shall:

(1) disregard the projected deficit in the Education Fund for fiscal year 2021; and

(2) assume the stabilization reserve created under 16 V.S.A. § 4026 is maintained for fiscal year 2022 at the fiscal year 2021 amount published in the Education Fund Outlook on or before December 1, 2020 as required under 32 V.S.A. § 5402b(c).

Sec. E.112 ELECTRIC LAWNMOWERS, LEAF BLOWERS, AND
TRIMMERS; DEPARTMENT OF BUILDINGS AND
GENERAL SERVICES

(a) Beginning on October 1, 2020, the Department of Buildings and General Services shall only purchase, lease, or acquire electric lawnmowers, leaf blowers, and trimmers, provided a functional equivalent electric product is available.

Sec. E.125 LEGISLATIVE COUNCIL RESTRUCTURING

(a) To implement the provisions of 2020 Acts and Resolves No. 144, An act relating to restructuring and reorganizing General Assembly staff offices, the Department of Finance and Management shall work with the Legislative Branch to establish a new business unit for the Office of Legislative Counsel and for the Office of Legislative Information Technology. The establishment of these new business units, as well as associated changes to internal service billing and/or other budget-related matters shall be accomplished in time for fiscal year 2022 budget development.

Sec. E.126 2020 Acts and Resolves No. 120, Sec. A.49(a)(1) is amended to read:

(1) Legislature: \$2,000,000 is appropriated to the Legislature for costs incurred for an estimated six-week extension of the during the 2020 session in fiscal year 2021 (August and September 2020) due to the response to the Coronavirus pandemic. This extension to legislative work may be conducted in a remote or partially remote manner. Funds may be transferred to appropriate units within the General Assembly as necessary to reimburse eligible fiscal year 2020 and 2021 expenditures. Any transfers shall be reviewed and approved through traditional transfer approval processes by the Secretary of Administration and shall be reported by the Joint Fiscal Office to the Joint Legislative Management Committee and the Commissioner of Finance and Management.

Sec. E.126.1 GENERAL ASSEMBLY; ALTERNATIVE LOCATION AND MANNER OF CONVENING, ORGANIZING, AND HOLDING SESSIONS OF THE 2021–22 LEGISLATIVE BIENNIUM

(a) Notwithstanding the provisions of 2 V.S.A. § 1 (place of holding sessions) that require the sessions of the General Assembly to be held in the State House in Montpelier, the chambers of the General Assembly shall not be required to convene and organize or otherwise hold sessions in the State House during the 2021–22 legislative biennium.

(b) If the COVID-19 global pandemic necessitates a departure from the customary convening and organizing procedures of either chamber of the General Assembly, the chamber's Rules Committee may adopt alternative

procedures to allow for the safe and orderly convening and organizing of the chamber for the 2021–22 legislative biennium.

Sec. E.126.2 USE OF SPACE; FINDINGS; PURPOSE

(a) The General Assembly currently finds that it may be necessary for the Legislative Branch to use space in addition to the State House in Montpelier during the 2021–22 biennium to meet social distancing requirements and mitigate the public health impacts of the COVID-19 pandemic.

(b) The purpose of Sec. E.126.3 of this act is to provide alternative locations during the 2021–22 biennium of the General Assembly for the Legislative Branch to use in order to protect the public health, safety, and welfare during the COVID-19 pandemic while also maintaining the ability of the Legislative Branch to perform its constitutional legislative duties.

Sec. E.126.3 GENERAL ASSEMBLY; STATE BUILDINGS; USE OF SPACE; AUTHORITY OF SERGEANT AT ARMS; 2021–22 LEGISLATIVE BIENNIUM

(a) Notwithstanding the provisions of 29 V.S.A. § 165 and any other provision of law to the contrary, in order to perform its constitutional duties, the Legislative Branch shall have exclusive use of alternative locations during the 2021–22 legislative biennium, including the following:

(1) 133 State Street:

(A) Basement: stock room and rooms 012, 016, 015, 021, and 022.

(B) First Floor: rooms 121, 122, and 126.

(C) Fourth Floor: board room.

(D) Fifth Floor: entire floor.

(2) 109 State Street:

(A) Basement: rooms B07 and B015 and surrounding space;

(B) Second floor: rooms 264, 267, 268, and 270.

(C) Fourth floor: conference room.

(3) 111 State Street: library stacks room on the second floor.

(b) The Sergeant at Arms and the Commissioner of Buildings and General Services shall consider ways to address any disruption to the functionality of the Executive and Legislative Branches in shared State building space.

(c) The authority of the Sergeant at Arms set forth in 2 V.S.A. chapter 62 shall apply in any rooms or spaces occupied by the Legislative Branch.

Sec. E.127 2020 Acts and Resolves No. 109, Sec. 36(a)(1) is amended to read:

(1) Joint Fiscal Committee: \$600,000 is appropriated to the Legislative Joint Fiscal Committee for use or transfer to appropriation units within the General Assembly as necessary to reimburse eligible fiscal year 2020 and 2021 expenditures. The transfers shall be reviewed and approved through traditional transfer approval processes by the Secretary of Administration. The Joint Fiscal Office shall provide a list of the COVID-19 expenditures funded by this appropriation and related documentation and transfers to other legislative departments to the Joint Legislative Management Committee, the Joint Fiscal Committee, and the Commissioner of Finance and Management ~~on or before July 30, 2020.~~

Sec. E.128 BODY CAMERAS

(a) On or before January 15, 2021, the Sergeant at Arms shall present a draft policy regarding the use of body cameras by Capitol Police to the Joint Legislative Management Committee. The Capitol Police shall not use body cameras until the Joint Legislative Management Committee reviews and adopts a final body camera policy on or before April 1, 2021.

(b) The funds appropriated to the Sergeant at Arms in Sec. B.128 of this act shall not become available to purchase body cameras until the policy described in subsection (a) of this section is adopted.

Sec. E.130 32 V.S.A. § 168 is amended to read:

§ 168. SINGLE AUDIT REVOLVING FUND

(a)(1) The Single Audit Revolving Fund is established within the State Treasury, to be administered by the Auditor of Accounts, from which payments may be made for the costs of audits performed pursuant to ~~subdivision~~ subdivisions 163(1) and (2) of this subchapter and 24 V.S.A. § 290b.

(2) All monies received from charges made for audit services under the provisions of subsection (b) of this section and sums that may be appropriated to the Fund shall be deposited in the Fund.

(3) Any balance remaining in the Fund at the end of any fiscal year shall be carried forward and remain a part of the Fund.

(b)(1) The Auditor of Accounts shall charge the State department, agency, commission, instrumentality, political subdivision, or State-created authority audited for the direct and indirect costs of an audit performed pursuant to

~~subdivision~~ subdivisions 163(1) and (2) of this subchapter and 24 V.S.A. § 290b.

(2) Costs shall be determined by the Auditor of Accounts and costs associated with subdivisions 163(1) and (2) of this subchapter shall be approved by the Secretary of Administration.

Sec. E.130.1 24 V.S.A. § 290b is amended to read:

§ 290b. AUDITS

* * *

(c) The Auditor of Accounts and his or her designee may at any time examine the records, accounts, books, papers, contracts, reports, and other materials of the county sheriff departments as they pertain to the financial transactions, obligations, assets, and receipts of that department. The Auditor, or his or her designee, shall conduct an audit of the accounts for a sheriff's department whenever the incumbent sheriff leaves office, and the auditor shall charge for the costs of the report pursuant to 32 V.S.A. § 168(b).

(d) Annually, each sheriff shall furnish the Auditor of Accounts on forms provided by the Auditor a financial report reflecting the financial transactions and condition of the sheriff's department. The sheriff shall submit a copy of this report to the assistant judges of the county. The assistant judges shall prepare a report reflecting funds disbursed by the county in support of the sheriff's department and forward a copy of their report to the Auditor of Accounts. The Auditor of Accounts shall compile the reports and submit one report to the House and Senate Committees on Judiciary. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the required report to be made under this subsection.

(e) Biennially, according to a schedule established by the Auditor of Accounts, ~~each sheriff~~ the Auditor shall retain a public accountant ~~selected by the sheriff and the assistant judges~~ to conduct an audit of the financial systems, controls, and procedures within ~~the~~ each department. The public accountant shall prepare a written report detailing the review of the department. A copy of this report shall be forwarded to the sheriff, assistant judges, and the Auditor of Accounts. ~~The cost of this report Auditor shall be paid by the Secretary of Administration, Auditor of Accounts, and the sheriff's department, in equal amounts~~ charge for the costs of the report pursuant to 32 V.S.A. § 168(b).

Sec. E.130.2 PANDEMIC USE OF STATE PAID SHERIFF'S DEPUTIES

(a) The auditor shall review the utilization of state paid deputies during the state of emergency, and Sheriff Departments' bills for their usage for transport

and other duties, to determine whether any Sheriff Department inappropriately received funding from more than one source.

Sec. E.131 CAPITAL DEBT AFFORDABILITY ADVISORY
COMMITTEE; CALENDAR YEAR 2020 ANNUAL REPORT

(a) Notwithstanding 32 V.S.A. §§ 1001 and 1001a, or any other provisions of law, in calendar year 2020, the Capital Debt Affordability Advisory Committee shall submit to the Governor and the General Assembly the Committee's estimate of net State tax-supported debt that prudently may be authorized for the next fiscal year, together with a report exploring the basis for the estimate on or before October 30, 2020.

Sec. E.133 VERMONT STATE RETIREMENT SYSTEM

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2021, investment fees shall be paid from the corpus of the Fund.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation in Sec. B.139 of this act, \$9,000 shall be transferred to the Attorney General and \$70,000 shall be transferred to the Department of Taxes, Division of Property Valuation and Review and reserved and used with any remaining funds from the amount previously transferred for final payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. and its successor Great River Hydro, LLC in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. E.142 Payments in lieu of taxes

(a) The funds appropriated in Sec. B.142 of this act are for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act. Payments in lieu of taxes under Sec. B.142 of this act shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.143 Payments in lieu of taxes – Montpelier

(a) Payments in lieu of taxes under Sec. B.143 of this act shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.144 Payments in lieu of taxes – correctional facilities

(a) Payments in lieu of taxes under Sec. B.144 of this act shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

* * * Protection to Persons or Property * * *

Sec. E.200 ATTORNEY GENERAL

(a) Notwithstanding any other provisions of law, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the State share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the State share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$1,390,500 is appropriated in Sec. B.200 of this act.

Sec. E.200.1 3 V.S.A. § 167 is amended to read:

~~§ 167. PUBLIC FUNDS INVESTIGATION SPECIAL FUND~~

~~There is established a Public Funds Investigation Special Fund, pursuant to 32 V.S.A. chapter 7, subchapter 5. At the end of each fiscal year, revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4) may be used to bring the unencumbered Fund balance up to \$100,000.00. Monies in the Fund shall be available for expenditure by the Attorney General and State's Attorneys to pay expenses, as the Attorney General and the State Auditor shall agree, for independent contractors, including accountants, necessary for investigation and prosecution of embezzlement or other financial crimes in which public funds are alleged to have been misused. [Repealed.]~~

Sec. E.200.2 9 V.S.A. § 2458(b) is amended to read:

(b) In addition to the foregoing, the Attorney General or a State's Attorney may request, and the court is authorized to render any other temporary or permanent relief, or both, as may be in the public interest including:

(1) the imposition of a civil penalty of not more than \$10,000.00 for each unfair or deceptive act or practice in commerce, and of not more than \$100,000.00 for an individual or \$1,000,000.00 for any other person for each unfair method of competition in commerce;

(2) an order for restitution of cash or goods on behalf of a consumer or a class of consumers similarly situated;

(3) an order requiring reimbursement to the State of Vermont for the reasonable value of its services and its expenses in investigating and prosecuting the action;

(4) amounts other than consumer restitution recovered by the Attorney General or Department of State's Attorneys and Sheriffs under this chapter,

but not to exceed amounts annually appropriated, or authorized pursuant to ~~3 V.S.A. § 167~~ or 32 V.S.A. § 511, shall be deposited into special funds which shall be available to the Attorney General or Department of State's Attorneys and Sheriffs, respectively to offset the costs of providing legal services.

Sec. E.204 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. C.106, as amended by 2019 Acts and Resolves No. 6, Sec. 91, is further amended to read:

Sec. C.106 CHINS CASES SYSTEM-WIDE REFORM

(a) The sum of \$7,000,000 is appropriated from the Tobacco Litigation Settlement Fund to the Judiciary in fiscal year 2018 and shall carry forward for the uses and based on the allocations set forth in subsections (b) and (c) of this section. The purpose of the funds is to make strategic investments to transform the adjudication of CHINS cases in Vermont.

(b) The sum appropriated from the Tobacco Litigation Settlement Fund in subsection (a) of this section shall be allocated as follows:

(1) \$1,250,000 for use in fiscal year 2019 or to be carried forward as follows:

(2) ~~\$2,500,000 for fiscal year 2020, for which the group shall provide proposed expenditures as part of its fiscal year 2020 budget request or budget adjustment request, or both; \$1,841,664 for fiscal year 2021, or to be carried forward, to be used as recommended in the CHINS Reform Workgroup Budget dated March 24, 2020;~~

(3) ~~\$2,500,000 for fiscal year 2021, for which the group shall provide proposed expenditures as part of its fiscal year 2021 budget request or budget adjustment request, or both; and \$2,765,964 for fiscal year 2022, or to be carried forward, to be used as recommended by the CHINS Reform Workgroup Budget dated March 24, 2020; and~~

(4) ~~\$750,000~~ \$1,142,372 in fiscal year ~~2022~~ 2023 or after as needed.

* * *

Sec. E.209 PUBLIC SAFETY – STATE POLICE

(a) Of the funds appropriated in Sec. B.209 of this act, \$35,000 in special funds shall be available for snowmobile law enforcement activities and \$35,000 in general funds shall be available to the Southern Vermont Wilderness Search and Rescue Team, which comprises State Police, the Department of Fish and Wildlife, county sheriffs, and local law enforcement

personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) Of the funds appropriated in Sec. B.209 of this act, \$405,000 is allocated for grants in support of the Drug Task Force. Of this amount, \$190,000 shall be used by the Vermont Drug Task Force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the Commissioner to fund the work of the Drug Task Force or carried forward.

(c)(1) Of this appropriation, \$525,000 is allocated for expanding the capacity of embedded mental health clinicians in barracks through contractual arrangements with local Designated Mental Health Agencies and through a master memorandum of understanding with the Department of Mental Health. This program intends to strengthen partnerships between law enforcement and mental health and social service entities.

(2) The Department of Public Safety shall collaborate with the Department of Mental Health to develop a master memorandum of understanding that supports a unified statewide program that incorporates trauma-informed responses and is developed with the ongoing engagement of stakeholders, including individuals with lived experience of a mental health condition or psychiatric disability, those whose identities cause them to experience additional marginalization, and those with direct experience with families in crisis and domestic violence.

(3) The Department, in partnership with the Designated Agencies, shall provide the following reports:

(A) on or before January 15, 2021, to the House Committees on Appropriations, on Judiciary and on Health Care and to the Senate Committees on Appropriations, on Judiciary, and on Health and Welfare on the implementation status of this program; and

(B) on or before January 15, 2022, to the House Committees on Appropriations, on Judiciary and on Health Care and to the Senate Committees on Appropriations, Judiciary, and on Health and Welfare on:

(i) the impact of this program in promoting a better understanding, more effective response, and greater public safety in addressing mental health issues;

(ii) the impact of this program in addressing crisis response to mental health and other public safety emergencies, and

(iii) the impact of this program on individuals whose mental health issues have led to law enforcement interaction by connecting individuals to ongoing mental health support with the goal of reducing future mental health crises that would require a law enforcement response.

Sec. E.209.1 20 V.S.A. § 1818 is added to read:

§ 1818. EQUIPMENT OF OFFICERS WITH VIDEO RECORDING DEVICES

The Department shall ensure that all members assigned to the Vermont State Police Field Force Division who routinely engage with members of the public related to the enforcement of laws are equipped with a body camera or other video recording device on his or her person.

Sec. E.209.2 2020 Acts and Resolves No. 147, Sec. 8 is amended to read:

Sec. 8. DEPARTMENT OF PUBLIC SAFETY; VIDEO RECORDING DEVICES; ONGOING COSTS

The Department of Public Safety shall immediately initiate the acquisition and deployment of video recording devices to comply with the requirements of 20 V.S.A. § 1818. The ongoing costs of the devices that cannot be accommodated within the Department's budget shall be included in the Department's fiscal year 2021 budget proposal to the General Assembly in August of 2020. The Department shall complete the deployment of video recording devices in accordance with the requirements of 20 V.S.A. § 1818 on or before March 31, 2021.

Sec. E.209.3 VIDEO RECORDING DEVICE: REPEAL

(a) 2020 Acts and Resolves No. 147, Sec. 7 (equipment of officers with video recording devices) is repealed.

Sec. E.212 Public safety – fire safety

(a) Of the funds appropriated from the General Fund in Sec. B.212 of this act, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force for the purpose of designing dry hydrants.

Sec. E.215 Military – Administration

(a) The amount of \$953,906 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard Educational Assistance program established in 16 V.S.A. § 2856 and the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

(b) Subsection (a) of this section supersedes the disbursement referenced in 2020 Acts and Resolves No. 120, Sec. A.23.

Sec. E.215.1 VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM; COVID-19

(a) Findings and purpose.

(1) An eligible member of the Vermont National Guard is entitled to certain tuition benefits for courses taken at Vermont postsecondary educational institutions under the Vermont National Guard Tuition Benefit Program (16 V.S.A. § 2857).

(2) One of the eligibility requirements to participate in this Program is that the member must have successfully completed basic training.

(3) Due to safety measures implemented to address the COVID-19 pandemic, the number of available basic training slots has been reduced, making it impossible for members who are new enlistees to complete basic training prior to the fall college semester.

(4) The purpose of this section is to allow these new enlistees to gain the benefits of the Program if they would otherwise qualify to participate in the Program.

(b) Interim Vermont National Guard Tuition Benefit Program. The Interim Vermont National Guard Tuition Benefit Program (Interim Program) is created solely for new enlistees who have not completed basic training due solely to the reduced number of available basic training slots as a result of safety measures implemented to address the COVID-19 pandemic. The structure, administration, and terms and conditions of this Interim Program shall be identical to the Vermont National Guard Tuition Benefit Program under 16 V.S.A. § 2857, except that the Interim Program shall not require that a member has successfully completed basic training. Eligible members under the Interim Program shall be entitled to this tuition benefit for courses offered by participating postsecondary educational institutions only during the fall 2020 semester.

(c) Vermont National Guard Tuition Benefit Program waiver. For new enlistees who want to use the tuition benefit under the Vermont National Guard Tuition Benefit Program established under 16 V.S.A. § 2857 for the spring 2021 semester and thereafter but have not completed basic training due solely to the reduced number of available basic training slots as a result of safety measures implemented to address the COVID-19 pandemic, the requirement to have successfully completed basic training (16 V.S.A. § 2857(c)(2)) is waived.

(d) Verification of future basic training. Before funds are allocated to a member under subsection (b) or (c) of this section, the Adjutant General shall provide verification to VSAC that the member has a reservation for a future basic training class.

(e) Service commitment. Academic attendance under the Interim Program shall count toward the member's service commitment under the Vermont National Guard Tuition Benefit Program, 16 V.S.A. § 2857(d).

(f) Other Program waivers authorized as necessary. In order to accommodate the Program changes described in subsections (b) and (c) of this section, where prompted by COVID-19 pandemic conditions the Adjutant General, on the recommendation of VSAC, may waive or partially suspend certain administrative and documentation requirements of the Program.

(g) Repeal. This section is repealed on the date that the Adjutant General certifies to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Government Operations that all members who had not completed basic training due solely to the reduced number of available basic training slots as a result of safety measures implemented to address the COVID-19 pandemic have successfully completed, or are currently attending, basic training. A copy of this certification shall be sent at the same time to the Office of Legislative Counsel.

Sec. E.219 Military – Veterans' Affairs

(a) Of the funds appropriated in Sec. B.219 of this act, \$1,000 shall be used for continuation of the Vermont Medal Program; \$4,800 shall be used for the expenses of the Governor's Veterans' Advisory Council; \$7,500 shall be used for the Veterans' Day parade; \$5,000 shall be used for the Military, Family, and Community Network; and \$10,000 shall be granted to the American Legion for the Boys' State and Girls' State programs.

Sec. E.220 Center for crime victim services

(a) Notwithstanding 20 V.S.A. § 2365(c), the Vermont Center for Crime Victim Services shall transfer \$52,699.60 from the Domestic and Sexual Violence Special Fund established in 13 V.S.A. § 5360 to the Criminal Justice Training Council for the purpose of funding one-half the costs of the Domestic Violence Trainer position. The other half of the position will be funded with an appropriation to the Criminal Justice Training Council.

Sec. E.224 Agriculture, food and markets – agricultural development

(a) Of the funds appropriated in Sec. B.224 of this act, the amount of \$594,000 in general funds is appropriated for expenditure by the Working Lands Enterprise Board established in 6 V.S.A. § 4606 for investments in food and forest system businesses and services providers pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5, as amended by 2014 Acts and Resolves No. 179, Sec. E.224.1.

* * * Renewal of Alcoholic Beverage Licenses * * *

Sec. E.237.1. 7 V.S.A. § 205 is amended to read:

§ 205. TERMS OF PERMITS, LICENSES, AND CERTIFICATES

(a) All permits, licenses, and certificates shall expire ~~midnight, April 30,~~ of each one year after the date of issuance.

* * *

Sec. E.237.2. TRANSITIONAL PROVISION; STAGGERED LICENSE RENEWAL

The Department of Liquor and Lottery may extend the expiration date and stagger the issuance or renewal of permits, licenses, and certificates that are set to expire in the years 2020 and 2021. Permits, licenses, and certificates that are renewed on April 30, 2020 shall remain valid for one year or until a later renewal date designated by the Department.

* * * Human Services * * *

Sec. E.300 DEPOSIT AND USE OF MASTER SETTLEMENT FUND

(a) Deposit of Master Tobacco Settlement receipts and appropriations of Tobacco Settlement funds in fiscal year 2021 are made, notwithstanding 2013 Acts and Resolves No. 50, Sec. D.104.

Sec. E.300.1 FUNDING FOR THE OFFICE OF THE HEALTH CARE ADVOCATE

(a) Of the funds appropriated in Sec. B.300 of this act, \$1,457,406 shall be used for the contract with the Office of the Health Care Advocate.

Sec. E.300.2 FUNDING FOR SPRINGFIELD BANKRUPTCY SETTLEMENT

(a) Of the funds appropriated in Sec. B.300 of this act, \$6,000,000 shall be used for the purposes of making a payment to Springfield Hospital and Springfield Medical Care System as a result of a bankruptcy proceeding.

Sec. E.301 Secretary's office – Global Commitment

(a) The Agency of Human Services shall use the funds appropriated in this section for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, the Department of Vermont Health Access, as provided for in the Global Commitment for Health Waiver (Global Commitment) approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the State funds appropriated in this section, a total estimated sum of \$24,283,719 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$21,467,550 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount, combined with \$29,032,450 of federal funds appropriated in Sec. B.301 of this act, equals a total estimated expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$2,816,169 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. E.301.1 Secretary's office – Global Commitment

(c) Up to \$10,600,000 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 – Secretary's Office – Global Commitment of this act.

Sec. E.301.2 GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER;
REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2021, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2021 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment to Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. E.301.3 2020 Acts and Resolves No. 120 Sec. A.24a is amended to read:

Sec. A24.a GLOBAL COMMITMENT WAIVER AMENDMENT

(a) The Secretary of Human Services is authorized to seek a no-change extension of Vermont's Global Commitment to Health Section 1115 Demonstration for the period of January 1, 2022 through December 31, 2023 from the Centers for Medicare and Medicaid Services. If a true no-change extension is not permitted by the Centers for Medicare and Medicaid Services, the Secretary is authorized to seek an extension of Vermont's Global Commitment to Health Section 1115 Demonstration for the period of January 1, 2022 through December 31, 2026, or an earlier date.

Sec. E.301.4 GLOBAL COMMITMENT MATCHING FUNDS FOR
NEWBORN HOME VISITING

(a) \$154,679 of the general funds appropriated in Sec. B.301 of this act shall be used as matching funds for Global Commitment expenditures for newborn home visiting.

Sec. E.306 VERMONT HEALTH BENEFIT EXCHANGE RULES

(a) The Agency of Human Services may adopt rules pursuant to 3 V.S.A. chapter 25 to conform Vermont's rules regarding health care eligibility and enrollment and the operation of the Vermont Health Benefit Exchange to state and federal law and guidance. The Agency may use the emergency rules process pursuant to 3 V.S.A. § 844 prior to June 30, 2021, but only in the event that new state or federal law or guidance require Vermont to amend or adopt its rules in a time frame that cannot be accomplished under the traditional rulemaking process. An emergency rule adopted under these exigent circumstances shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

Sec. E.307 33 V.S.A. § 1999 is amended to read:

§ 1999. CONSUMER PROTECTION RULES; PRIOR AUTHORIZATION

(a)(1) The Pharmacy Best Practices and Cost Control Program shall authorize pharmacy benefit coverage when a patient's health care provider prescribes a prescription drug not on the preferred drug list, or a prescription drug ~~which~~ that is not the list's preferred choice, if ~~either~~ any of the circumstances set forth in subdivision (2) or (3) of this subsection applies.

(2)(A) The Program shall authorize coverage under the same terms as coverage for preferred choice drugs if the prescriber determines, after consultation with the pharmacist, or with the participating health benefit plan if required by the terms of the plan, that one or more of the following circumstances apply:

(i) ~~the~~ The preferred choice has or choices have not been effective, or with reasonable certainty is are not expected to be effective, in treating the patient's condition; or.

(ii) ~~the~~ The preferred choice causes or choices cause or is are reasonably expected to cause adverse or harmful reactions in the patient.

(iii)(I) The patient is new to the Program and has been stabilized on a prescription drug that is not on the preferred drug list or is not one of the list's preferred choices, or a current patient has been stabilized on a prescription drug that has been removed from preferred drug list or is no longer one of the list's preferred choices, and it is clinically indicated that the patient should remain stabilized on the drug in order to avoid an adverse clinical impact or outcome.

(II) The Drug Utilization Review Board and the Department of Vermont Health Access shall clinically evaluate newly introduced medications and therapeutic classes to determine their clinical appropriateness for continuation of coverage as set forth in subdivision (I) of this subdivision (iii).

* * *

~~(c) For HIV and AIDS-related medications used by individuals with HIV or AIDS, the preferred drug list and any utilization review procedures shall not be more restrictive than the drug list and the application of the list used for the State of Vermont AIDS Medication Assistance Program. [Repealed.]~~

~~(d) The Agency may include prescription drugs prescribed for the treatment of severe and persistent mental illness, including schizophrenia, major depression, or bipolar disorder, in the prior authorization process after the Health Care Oversight Committee has reviewed the report as provided for in 2005 Acts and Resolves No. 71, Sec. 305(a)(2)(A). [Repealed.]~~

Sec. E.307.1 8 V.S.A. § 4089i is amended to read:

§ 4089i. PRESCRIPTION DRUG COVERAGE

* * *

(h)(1) A health insurance or other health benefit plan offered by a health insurer or pharmacy benefit manager shall limit a beneficiary's total out-of-pocket responsibility for prescription insulin medications to not more than \$100.00 per 30-day supply, regardless of the amount, type, or number of insulin medications prescribed for the beneficiary.

(2) The \$100.00 monthly limit on out-of-pocket spending for prescription insulin medications set forth in subdivision (1) of this subsection

shall apply regardless of whether the beneficiary has satisfied any applicable deductible requirement under the health insurance or health benefit plan.

(i) As used in this section:

* * *

(7) “Prescription insulin medication” means a prescription medication that contains insulin and is used to treat diabetes.

~~(i)~~(j) The Department of Financial Regulation shall enforce this section and may adopt rules as necessary to carry out the purposes of this section.

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2021 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated according to an RFP process.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by State general funds.

(3)(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of not less than 50 percent of members who are living with HIV/AIDS. If a modification to the program’s eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program’s formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2021, the Department of Health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall

be used for HIV/AIDS prevention purposes, including syringe exchange programs; improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. Not more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(5) In fiscal year 2021, the Department of Health shall provide grants in the amount of \$150,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants will be State fiscal year 2021. Grant reporting shall include outcomes and results.

Sec. 314 2019 Acts and Resolves No. 42, Sec. 3 is amended to read:

* * *

(c) The following sums are appropriated in FY 2021 to the Department of Buildings and General Services for the Agency of Human Services for the following projects described in this subsection:

(1) Statewide, secure residential recovery facility, replacement, ~~land acquisition~~, design, permitting, site preparation of the land located at Parcel ID# 200-5-003-001 as designated on the Town of Essex's Tax Parcel Maps and construction: \$1,500,000.00

* * *

Sec. 314.1 NOTIFICATION PRIOR TO CONSTRUCTION

(a) Prior to any site preparation commencing at Parcel ID# 200-5-003-001, the Secretary of Human Services and the Commissioner of Buildings and General Services shall notify the Chairs of the House Committees on Corrections and Institutions and on Human Services and the Senate Committees on Institutions and on Judiciary.

Sec. E.314.2 MENTAL HEALTH CRISIS SERVICES; DATA COLLECTION

(a) The Department of Mental Health, in collaboration with the Director of Racial Equity, the Mental Health Crisis Response Commission, and the Department of Public Safety, shall explore strategies for collecting data related to persons accessing emergency services related to a mental health crisis. The

Department shall solicit recommendations from persons with lived experience of a mental health condition or psychiatric disability and members of other impacted communities, including those communities experiencing inequities or marginalization, such as racial discrimination, that expose them to additional risks from unnecessary law enforcement or mental health system interventions.

(b)(1) The Department, in collaboration with the Director of Racial Equity, the Mental Health Crisis Response Commission, and the Department of Public Safety and in consultation with persons with lived experience and members of other impacted communities, shall examine how to collect the following types of data in a manner that comports with the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d-5 and 1320d-6, and ensures best clinical practice:

(A) the number of 911 calls received by category that are related to an individual's medical condition, mental or emotional condition, developmental or intellectual disability, or substance use, or any combination thereof;

(B) the race of the individuals that are the subject of a 911 call;

(C) the number and race of individuals referred to the Department of Mental Health or arrested for a misdemeanor or felony, or both, or where no subsequent action was taken;

(D) the number of referrals received by the Department of Mental Health from State law enforcement agencies;

(E) the race of individuals referred to the Department of Mental Health by State law enforcement agencies;

(F) the number of individuals referred to the Department of Mental Health by State law enforcement agencies who are already a client of a designated or specialized service agency; and

(G) the disposition of a referral to the Department of Mental Health, by race, including whether the individual was referred for mental health or substance misuse services, regardless of whether action was taken by the Department or the individual was referred to another State agency.

(2) The Department shall also examine and make recommendations regarding how to store data securely and make aggregated data available to the public.

(c) On or before September 1, 2021, the Department shall report the recommendations developed pursuant to this section to the House Committee on Health Care and to the Senate Committee on Health and Welfare, including

the extent to which the information collected may inform the data available through the dashboard established pursuant to Sec. B.1121(d)(4)(B) of this act.

Sec. E.316 LONG-TERM PLAN FOR JUSTICE-INVOLVED YOUTHS

(a) Notwithstanding 2020 Acts and Resolves No. 120, Sec. A.29 and 33 V.S.A. §§ 5801 and 5802, on or before October 18, 2020, the Agency of Human services shall permanently cease operations at the Woodside Juvenile Rehabilitation Center facility and discontinue all associated programming and treatment services for youths provided at that facility.

(b) On or before November 1, 2020, the Agency of Human Services shall submit to the Joint Legislative Child Protection Oversight Committee, the Joint Legislative Justice Oversight Committee, the Senate Committee on Judiciary, and the House Committee on Human Services a long-term plan for Vermont youths who are in the custody of the Department for Children and Families, are adjudicated or charged with a delinquent or criminal act, and who require secure placement (target population). The long-term plan to provide ongoing residential treatment and services to the target population shall:

(1) continue to adequately fund alternative programs and placements for the target population, including those programs and placements that currently accept such youths; and

(2) provide placements for all youths under 18 years of age who are in the custody of the Department of Corrections and who have historically been placed at Woodside Juvenile Rehabilitation Center instead of a Department of Corrections facility pursuant to the memorandum of understanding between the Department for Children and Families and the Department of Corrections.

(c) On or before November 1, 2020, the Agency of Human Services shall:

(1) in consultation with the Joint Fiscal Office, conduct a cost comparison, including available federal matching funds, associated with contracting with a provider of youth treatment and services to operate a youth treatment facility in Vermont with the costs associated with the State operating a similar youth treatment facility, to include:

(A) the “no reject/no eject” service capacity need for both the contract service arrangement and the State-operated facility; and

(B) an evaluation of any construction and renovation costs necessary for a contracted provider of residential treatment services or the State;

(2) evaluate the capacity and expertise of the contracted provider of residential treatment services to successfully operate a program appropriate for the target population, including:

- (A) conducting a treatment model evaluation;
 - (B) determining whether the model is evidence-based, strength-based, trauma informed, and focused on restorative practices; and
 - (C) evaluating the cultural competency training of staff; and
- (3) include the results of the cost comparison and capacity and expertise evaluation required by this subsection in its report pursuant to subsection (b) of this section.

(d)(1) On or before November 13, 2020, the Joint Legislative Justice Oversight Committee and the Joint Legislative Child Protection Committee shall:

(A) meet jointly to review the Agency's plan pursuant to subsection (b) of this section, including the cost-comparison, capacity, and expertise evaluations required by subsection (c) of this section; and

(B) report to the Joint Fiscal Committee on the Committees' joint recommendation on whether to approve the Agency's plan pursuant to subsection (b) of this section.

(2) On or before November 20, 2020, the Joint Fiscal Committee shall act on the recommendation.

(e) On or before December 15, 2020, the Agency of Human Services shall report jointly to the Joint Legislative Justice Oversight Committee and the Joint Legislative Child Protection Committee regarding:

(1) the status of the FY21 appropriation for Woodside including the costs expended to-date for the partial year operation of Woodside;

(2) the placements and costs projected for the remainder of the fiscal year to support the Agency of Human Services' plan for target population placements, including costs associated with third-party contractors; and

(3) the status of FY21 funding for target population placements.

Sec. E.318 CHILD CARE PROVIDER STABILIZATION GRANTS

(a) Of the funds provided in fiscal year 2021 in Sec. B.318, \$800,000 is allocated for the purpose of expanding infant and toddler child care capacity.

(b) The Division shall award grants to eligible applicants. An eligible applicant shall:

(1) be a new or existing regulated, privately owned center-based child care program or family child care home in good regulatory standings;

(2) participate in CCFAP;

- (3) provide year-round, full-day child care and early learning services;
 - (4) provide child care and early learning services for infants and toddlers; and
 - (5) participate in the Step Ahead Recognition System (STARS).
- (c) Center-based child care programs or family child care homes receiving a grant pursuant to this section shall remain in compliance with the Division's rules, continue participation in STARS, and maintain enrollment of children supported by CCFAP.

Sec. E.318.1 CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) Notwithstanding 16 V.S.A § 4025(b):

- (1) The Department for Children and Families shall align Child Care Financial Assistance Program (CCFAP) eligibility with the current federal poverty guidelines.
- (2) The Department for Children and Families shall align rates of reimbursement for preschool and school age children participating in the CCFAP in fiscal year 2021 with the market rates reported on the 2015 Vermont Market Rate Survey and maintain rates of reimbursement for infants and toddlers participating in CCFAP in fiscal year 2021 aligned with the market rates reported on the 2017 Vermont Market Rate Survey.

Sec. E.318.2 EDUCATIONAL AND EXPERIENTIAL VARIANCE

(a) For individuals operating or employed in a registered family child care home or as a director or teacher associate in a center-based program for 10 or more years prior to September 1, 2016, the Commissioner for Children and Families or designee may issue a variance to the Child Development Division's rule regarding educational and experiential requirements to allow an individual to maintain employment in that same role regardless of whether the family child care provider, family child care assistant, director, or teacher associate intends to attain the otherwise necessary educational requirements. To be eligible for a variance, the family childcare provider, family childcare assistant, director, or teacher associate shall:

- (1) work continuously in a regulated program with a full license in good standing; and
 - (2) meet the Division's educational and experiential requirements in place prior to the adoption of the new rule, which was effective beginning on September 1, 2016.
- (b) The Commissioner or designee shall review any violation occurring in a regulated program where a family childcare provider, family childcare

assistant, director, or teacher associate is under variance and may revoke the variance granted by this section depending upon the seriousness and circumstances of the violation.

(c) Any variance granted under this section shall be terminated on July 1, 2024, and extensions shall not be granted beyond that date.

Sec. E. 318.3 CHILD CARE FUNDING HUB REPORT

(a) The Department for Children and Families, in consultation with Agency of Education, shall submit a written report to the Governor, the House and Senate Committees on Education, the House Committee on Human Services, and the Senate Committee on Health and Welfare on or before November 15, 2020 and shall make recommendations on how to fund child care hubs established in 2020 to address child care needs during the COVID-19 pandemic when CARES Act funding is no longer available.

Sec. E.319 15 V.S.A. § 663 is amended to read:

§ 663. SUPPORT ORDERS; REQUIRED CONTENTS

(a) Every order for child support made or modified under this chapter shall be issued in a standardized format and sent to the Registry in the Office of Child Support. The order shall include:

(1) The name, address, e-mail address, Social Security number, and employer of both parents.

* * *

(b) Child care costs shall be specifically stated in the order for the purpose of providing information on the amount of child care costs used to compute the total support obligation.

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

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

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

(3) require that every party to the order must notify the Registry in writing of their current mailing address, current e-mail address, and current residence address and of any change in ~~either~~ any address within seven

business days of the change, until all obligations to pay support or support arrearages or to provide for visitation are satisfied;

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

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

* * *

Sec. E.321 GENERAL ASSISTANCE HOUSING

(a) Funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2021 may be used for temporary housing in catastrophic situations and for vulnerable populations, as defined in rules adopted by the Agency. The Commissioner for Children and Families may, by policy, provide temporary housing for a limited duration in adverse weather conditions when appropriate shelter space is not available.

Sec. E.321.1 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM; COMMUNITY-BASED ALTERNATIVES TO GENERAL ASSISTANCE TEMPORARY HOUSING

(a) For fiscal year 2021, the Agency of Human Services may continue to fund housing assistance programs within the General Assistance program to create flexibility to provide General Assistance benefits, as well as grants to support the establishment of community-based alternatives for temporary housing as part of the effort to reduce the number of individuals temporarily housed by the General Assistance program. The purpose of these housing assistance programs and community-based alternatives is to mitigate poverty and serve applicants more effectively than they are currently being served with General Assistance funds. Eligible activities shall include, among other things, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream prevention, and related services that ensure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The Agency may award grants to homeless and housing service providers for eligible activities. Where such housing assistance programs and grants are provided, and community-based programs are established, the General Assistance rules shall not apply. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The housing assistance and community-based programs may operate in up to 12 districts designated by the Secretary of Human Services. The Agency

shall establish goals and procedures for evaluating the program overall, including performance measures that demonstrate program results, and for each district in which the Agency operates the program, it shall establish procedures for evaluating the district program and its effects.

(c) The Agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of housing assistance programs and community-based alternatives to General Assistance temporary housing.

Sec. E.323 16 V.S.A. § 2878a is amended to read:

§ 2878a. ~~PARTICIPATION AGREEMENTS FOR INVESTMENT PLAN;~~
~~INDIVIDUAL DEVELOPMENT INVESTMENT ACCOUNTS~~
VERMONT MATCHED SAVINGS PROGRAM

The Corporation may participate in the ~~Individual Development Investment Program~~ Vermont Matched Savings Program established under 33 V.S.A. § 1123, in accordance with the rules of the Agency of Human Services adopted thereunder, in connection with an individual or family who, at the time of depositing funds into an account created pursuant to a Vermont Higher Education Investment Plan, receives public assistance or is otherwise an eligible saver under 33 V.S.A. § 1123.

Sec. E.323.1 33 V.S.A. § 1123 is amended to read:

§ 1123. ~~INDIVIDUAL DEVELOPMENT SAVINGS~~ VERMONT MATCHED SAVINGS PROGRAM

(a) As used in this section:

* * *

(9) “Fund” means the ~~Individual Development Matching~~ Vermont Matched Savings Grant Special Fund established by this section.

* * *

(11) “Program” means the ~~Individual Development Savings~~ Vermont Matched Savings Program established by this section.

* * *

(b) The Agency shall establish by rule standards and procedures to implement and administer the ~~Individual Development Savings~~ Vermont Matched Savings Program. The Program may include a program with eligibility criteria that satisfy federal funding requirements or the requirements of other funding sources that are more restrictive than those established in

subsection (a) of this section, and a program funded by State appropriations and other revenue. Such standards and procedures shall include the following:

* * *

(8) The Agency shall establish by rule any other standards and procedures necessary or desirable to implement the ~~Individual Development Savings~~ Vermont Matched Savings Program, including minimum requirements for approval of savings plans, criteria for training and counseling, reporting requirements for participating financial institutions, and matching fund allocation standards.

(c)(1) The ~~Individual Development Matching~~ Vermont Matched Savings Grant Special Fund is established in the State Treasury and shall be administered in accordance with the provisions of 32 V.S.A. chapter 7, subchapter 5, except that interest earned on the Fund shall be retained in the Fund. Into the Fund shall be deposited proceeds from grants, donations, contributions, appropriations, and other revenue authorized by law. The Fund shall be used only for the purpose of providing matching funds for the ~~Individual Development Savings~~ Vermont Matched Savings Program as established in this section, and to provide grants to service providers for administrative expenses of administering the Program.

(2) The Agency may make grants from the ~~Individual Development Matching~~ Vermont Matched Savings Grant Special Fund to service providers to provide the match for approved savings plans with enrolled savers. The amount and number of grants shall be calculated quarterly by the Agency based on the number of savers and the amounts included in their approved plans administered by each service provider so that payment of the maximum match is ensured for all savers for the period for the approved savings plans without exceeding the balance in the Fund. The Agency may award grants from the Fund to service providers to cover their expenses of training and counseling savers, and to implement and administer the ~~Individual Development Savings~~ Vermont Matched Savings Program. The Agency may approve the use of interest earnings on grant funds as a portion of approved administrative costs.

(3) The Agency and service providers, separately or cooperatively, may solicit grants and private contributions for the ~~Individual Development Matching~~ Vermont Matched Savings Grant Special Fund.

* * *

Sec. E.324 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have

applied for an expedited seasonal fuel benefit but have not yet received it, if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$1,092,000 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal Emergency Solutions Grants funds. Grant decisions shall be made with assistance from the Vermont Coalition to End Homelessness.

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.335 CORRECTIONS APPROPRIATIONS; TRANSFER; REPORT

(a) In fiscal year 2021, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

Sec. E.335.1 JUSTICE REINVESTMENT OF END OF YEAR FUNDS

(a) Notwithstanding Sec. E.335 of this act, unexpended funds in Sec. B.339 (Corrections out of state beds) of this act in fiscal year 2021 shall not be transferred. The unexpended funds shall be carried forward to fiscal year 2022 and the amount reported to the Joint Legislative Justice Oversight Committee in July 2021. These funds may only be expended on community-based service programs approved by the Joint Legislative Justice Oversight Committee.

Sec. E.338 Corrections - correctional services

(a) The special funds appropriation of \$152,000 for the supplemental facility payments to Newport and Springfield shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E. 400 SUSPENSION OF PERIOD OF DISQUALIFICATION
DURING COVID-19 PUBLIC HEALTH EMERGENCY

Notwithstanding any provision of law to the contrary, during the state of emergency imposed pursuant to Executive Order 01-20, as amended, any period of disqualification imposed pursuant to 21 V.S.A. § 1347(e) shall be temporarily suspended until the first full calendar week following the termination of the state of emergency declared in relation to COVID-19 by Executive Order 01-20, as amended. Nothing in this section shall be construed to diminish a period of disqualification imposed pursuant to 21 V.S.A. § 1347.

* * * K-12 Education * * *

Sec. E.500 Education – finance and administration

(a) The Global Commitment funds appropriated in this section will be used for physician claims for determining medical necessity of Individualized Education Programs (IEPs). These services are intended to increase access to quality health care for uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.501 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,864,249 shall be used by the Agency of Education in fiscal year 2021 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d).

Sec. E.504 Education – flexible pathways

(a) Of this appropriation, \$4,000,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c). Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$921,500 is available for dual enrollment programs, notwithstanding 16 V.S.A. § 944(f)(2), and the amount of \$41,225 is available for use pursuant to Sec. E.605.2(a) of this act;

(2) \$100,000 is available to support the Vermont Virtual Learning Cooperative at the River Valley Technical Center School District;

(3) \$200,000 is available for secondary school reform grants; and

(4) \$500,000 is available for the Vermont Academy of Science and Technology and \$2,500,000 for Early College pursuant to 16 V.S.A. § 946.

(b) Of this appropriation, \$921,500 from the General Fund is available for dual enrollment programs, and \$41,225 from the General Fund is available for need-based stipends pursuant to Sec. E.605.2(a) of this act.

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$132,141,701 of which \$125,894,201 shall be the State's contribution and \$6,247,500 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$7,213,271 is the "normal contribution," and \$124,928,430 is the "accrued liability contribution."

Sec. E.515 Retired teachers' health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$31,798,734 will be contributed to the Retired Teachers' Health and Medical Benefits plan.

Sec. E.515.1 PREFUNDING OF THE TEACHERS' HEALTH CARE AND MEDICAL BENEFITS FUND

(a) Of the amount appropriated in Sec. B.515 of this act, \$2,400,000 is intended to pre-fund Retired Teachers' Health Care and Medical Benefits at the earliest possible date.

* * * Higher Education * * *

Sec. E.600 University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

(c) If Global Commitment Fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the General Fund or other State funding sources.

(d) The University of Vermont will use the Global Commitment funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this

program, currently representing a significant number of physicians practicing in Vermont, deliver high-quality health care services to Medicaid beneficiaries and to uninsured or underinsured persons, or both, in Vermont and across the nation.

Sec. E.602 Vermont state colleges

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.603 Vermont state colleges – allied health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other State funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs which graduate approximately 315 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries or uninsured or underinsured persons, or both.

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of this appropriation, not more than \$200,000 may be used by the Vermont Student Assistance Corporation for a student aspirational pilot initiative to serve one or more high schools.

(c) Of the appropriated amount remaining after accounting for subsections (a) and (b) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

Sec. E.605.2 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND EARLY COLLEGE STUDENTS

(a) The sum of \$82,450 shall be transferred to the Vermont Student Assistance Corporation (VSAC) from Sec. E.504(a)(1) and (b) (flexible pathways funds appropriated for dual enrollment and need-based stipend purposes) to fund a flat-rate, need-based stipend or voucher program for

financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 946 to be used for the purchase of books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(b) VSAC shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and to the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before January 15, 2021.

* * * Vermont 529 Plans * * *

Sec. E.605.3 32 V.S.A. § 5825a is amended to read:

§ 5825a. CREDIT FOR VERMONT HIGHER EDUCATION
INVESTMENT PLAN CONTRIBUTIONS

(a) A taxpayer of this State, including each spouse filing a joint return, shall be eligible for a nonrefundable credit against the tax imposed under section 5822 of this title of 10 percent of the first \$2,500.00 per beneficiary, contributed by the taxpayer during the taxable year to a Vermont ~~higher education investment plan~~ Higher Education Investment Plan account under 16 V.S.A. chapter 87, subchapter 7, provided the account is provided directly by the Vermont Student Assistance Corporation to the participant.

(b) A taxpayer who has received a credit under subsection (a) of this section shall repay to the Commissioner 10 percent of any distribution from a higher education investment plan account, ~~which distribution is not used exclusively for costs of attendance at an approved postsecondary education institution as defined in 16 V.S.A. § 2822(6),~~ up to a maximum of the total credits received by the taxpayer under subsection (a) of this section minus any amount of repayment of such credits in prior tax years except when the distribution:

(1) is used exclusively for costs of attendance at an approved postsecondary education institution as defined in 16 V.S.A. § 2822(6);

(2) qualifies as an expense associated with a registered apprenticeship program pursuant to 26 U.S.C. § 529(c)(8); or

(3) is made after the death of the beneficiary or after the beneficiary becomes disabled pursuant to subdivisions (q)(2)(C) and (m)(7) of 26 U.S.C. § 72.

(c) Repayments under this subsection (b) of this section shall be subject to assessment, notice, penalty and interest, collection, and other administration in the same manner as an income tax under this chapter.

Sec. E.605.4 16 V.S.A. chapter 87, subchapter 7 is amended to read:

* * *

§ 2876. DEFINITIONS

As used in this subchapter, except where the context clearly requires another interpretation:

(1) “Beneficiary” means any individual designated by a participation agreement to benefit from payments for qualified postsecondary education costs ~~at an institution of postsecondary education.~~

(2) “Benefits” means the payment of qualified postsecondary education costs on behalf of a beneficiary ~~by the Corporation’s Investment Plan during the beneficiary’s attendance at an institution of postsecondary education from a participant’s investment plan account.~~

(3) “Corporation” means Vermont Student Assistance Corporation.

(4) “Internal Revenue Code” means the federal Internal Revenue Code of 1986, as amended, together with the regulations promulgated ~~thereunder~~ pursuant to that Code.

(5) “Qualified postsecondary education costs” means the ~~qualified costs of tuition and fees and other expenses for attendance at an approved postsecondary education institution~~ costs of tuition and fees for attendance at an approved postsecondary education institution, and other qualified higher education expenses as provided under 26 U.S.C. § 529.

(6) “Approved postsecondary education institution” means a postsecondary education institution as defined in section 2822 of this title.

(7) “Vermont Higher Education Investment Plan” or “Investment Plan” means ~~the program~~ one or more plans created pursuant to this subchapter.

(8) “Participant” means a person who has entered into a participation agreement pursuant to this subchapter intended for the ~~advance~~ payment of qualified postsecondary education costs on behalf of a beneficiary.

(9) “Participation agreement” means an agreement between a participant and the Corporation, pursuant to and conforming with the requirements of this subchapter.

§ 2877. VERMONT HIGHER EDUCATION INVESTMENT PLAN
CREATED

(a) There is created a program of the State to be known as the Vermont Higher Education Investment Plan and a trust for that purpose to be administered by the Vermont Student Assistance Corporation as an

instrumentality of the State. The program may consist of one or more different investment plans, including one or more plans that may be offered to a participant only with the assistance of a qualified financial advisor.

(b) In order to establish and administer the Investment Plan, the Corporation, in addition to its other powers and authority, shall have the power and authority to:

* * *

(2) Enter into agreements with any ~~institution~~ of approved postsecondary education institution, the State, or any federal or other agency or entity as required for the operation of ~~the~~ an Investment Plan pursuant to this subchapter.

(3) Accept any grants, gifts, legislative appropriations, and other ~~moneys~~ monies from the State; any unit of federal, State, or local government; or any other person, firm, partnership, or corporation for ~~deposit~~ contribution to the account of the Investment Plan, or for the operation or other related purposes of the Corporation.

(4) Invest the funds received from participants in appropriate investment vehicles approved and held in trust for participants by the Corporation as selected by the participants, including education loans made by the Corporation.

(5) Enter into participation agreements with participants.

(6) Develop and use two or more types of participation agreements to provide a range of investment ~~structures~~ options for participants.

(7) Make payments to ~~institutions of postsecondary education on behalf of beneficiaries~~ as directed by the participants pursuant to participation agreements.

(8) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in this subchapter and the rules ~~and regulations~~, policies, and procedures adopted by the Corporation.

(9) Make provision for the payment of costs of administration and operation of ~~the~~ an Investment Plan subject to the limitations on charges on participation agreements established in subdivision 2878(5) of this title.

(10) Adopt rules ~~and regulations~~, policies, and procedures to implement this subchapter and take all necessary action to ensure an Investment Plan is in conformance with the Internal Revenue Code and other applicable law.

* * *

§ 2878. PARTICIPATION AGREEMENTS FOR INVESTMENT PLAN

The Corporation shall have the authority to enter into Investment Plan participation agreements with participants ~~on behalf of beneficiaries~~ pursuant to the provisions of this subchapter, including the following terms and agreements:

(1) A participation agreement shall stipulate the terms and conditions of the Investment Plan in to which the participant makes ~~deposits~~ contributions.

(2) A participation agreement shall clearly specify the method for calculating the return on the ~~deposit made by the participant, which may be a variable or adjustable rate of return~~ various investment options available and shall reference the relevant expenses and other pertinent information about the account.

* * *

(4) A participation agreement shall clearly and prominently disclose to participants the risks associated with ~~depositing monies with the Corporation~~ the various investment options available under the applicable Investment Plan.

(5) Participation agreements shall be organized and presented in a way and with language that is easily understandable by the general public. A participation agreement shall clearly and prominently disclose to participants that the Corporation, the State, and any other governmental entity are not liable for, nor guarantee the return of or on the participant's contributions to an Investment Plan. A participation agreement shall also clearly and prominently disclose to participants the existence of any load charge or similar charge assessed against the accounts of the participants for administration, operation, or services. No fee or similar charge may be imposed with regard to an investment managed by the Corporation. Any fee, load, or similar charge with regard to any investment not managed by the Corporation shall be no greater than the cost determined by the Corporation to be required to administer the investment. The cost of originating and servicing any education loans made or acquired pursuant to participation agreements shall not be considered as load charges or similar charges.

* * *

§ 2878a. PARTICIPATION AGREEMENTS FOR INVESTMENT PLAN;
INDIVIDUAL DEVELOPMENT INVESTMENT ACCOUNTS

The Corporation may participate in the Individual Development Investment Program established under 33 V.S.A. § 1123, in accordance with the rules of the Agency of Human Services adopted thereunder, in connection with an individual or family who, at the time of ~~depositing~~ contributing funds into

an account created pursuant to a Vermont Higher Education Investment Plan, receives public assistance or is otherwise an eligible saver under 33 V.S.A. § 1123.

§ 2879. INVESTMENT AND PAYMENTS

All money paid by a participant in connection with a participation agreement shall be deposited credited to the participant's account as received, held by the Corporation in trust for the benefit of the participant, and shall be promptly invested by the Corporation as selected by the participant from the investment options available under the participation agreement. ~~Deposits and earnings thereon accumulated on behalf of participants in the Investment Plan~~ Contributions and earnings accumulated in a participant's Investment Plan account may be used, as provided in the participation agreement, for payments to any institution of postsecondary education including for payments of qualified postsecondary education costs. The trust shall continue in existence as long as it holds any funds belonging to a participant.

* * *

§ 2879c. TAX EXEMPTION

* * *

(b) Contributions to an account held under ~~the~~ a Vermont Higher Education Investment Plan that is provided directly by the Corporation to a participant shall be eligible for a credit against Vermont income tax as provided under 32 V.S.A. § 5825a.

§ 2879d. PROPERTY RIGHTS TO ASSETS IN THE PLAN

The assets of the Vermont Higher Education Investment Plan shall at all times be held in trust for the benefit of the participant, shall not be commingled with any other funds of the Corporation or the State, shall be preserved, invested, and expended solely and only for the purposes set forth in this chapter and in accordance with the participation agreements, and no property rights therein shall exist in favor of the Corporation or the State. Amounts held in, or withdrawn from, a participant's Investment Plan account under a participation agreement shall not be subject to liens, attachment, garnishment, levy, seizure, claim by creditors of the contributors, participants, or any beneficiary, or subject to any involuntary sale, transfer, or assignment by any execution or any other legal or equitable operation of law, including bankruptcy or insolvency laws.

* * *

* * * Natural Resources * * *

Sec. E.701 32 V.S.A. § 3708(d) is amended to read:

(d) Beginning in fiscal year ~~2022~~ 2023, and thereafter in periods of ~~no~~ not less than three years and ~~no~~ not greater than five years, the Secretary of Natural Resources shall recommend an adjustment to update the base payments established under subsection (c) of this section consistent with the statewide municipal tax rate or other appropriate indicators. For years that the Secretary of Natural Resources recommends an adjustment under this subsection, a request for funding the adjustment shall be included as part of the budget report required under section 306 of this title.

Sec. E.702 FISH AND WILDLIFE; SUPPORT AND FIELD SERVICES

(a) The Commissioner of Finance and Management shall work with the Commissioner of Public Safety and the Commissioner of Fish and Wildlife to determine the appropriate funding levels for boating safety activities. Consideration shall include the distribution of federal U.S. Coast Guard Boat Safety grant funds, and the associated state match, to determine if the formula for distribution should be changed to include boat safety related enforcement activities within the Department of Fish and Wildlife. Recommendations resulting from this review shall be included in a memorandum submitted on or before April 1, 2021 to the House and Senate Committees on Government Operations, the House Committee on Natural Resources, Fish, and Wildlife, the Senate Committee on Natural Resources and Energy, and the House and Senate Committees on Appropriations.

Sec. E.706 23 V.S.A. § 3513 is amended to read:

§ 3513. LIABILITY INSURANCE; AUTHORITY TO CONTRACT FOR
LAW ENFORCEMENT SERVICES

(a) The amount of 90 percent of the fees and penalties collected under chapter, except interest, is allocated to the Agency of Natural Resources for use by the Vermont ATV Sportsman's Association (VASA) for development and maintenance of a Statewide ATV Trail Program, for trail liability insurance, and to contract for law enforcement services with any constable, sheriff's department, municipal police department, the Department of Public Safety, and the Department of Fish and Wildlife for purposes of trail compliance pursuant to this chapter. The Departments of Public Safety and of Fish and Wildlife are authorized to contract with VASA to provide these law enforcement services. The Agency of Natural Resources shall retain for its use up to \$7,000.00 during each fiscal year to be used for administration of the State grant that supports this program.

* * *

Sec. E.711 2019 Acts and Resolves No. 76, Sec. 8(a) is amended to read:

(a) ~~Until November 1, 2021~~ July 1, 2022, the Secretary shall implement the existing ecosystem restoration funding delivery program and shall not make substantial modifications to the manner in which that program has been implemented. The Secretary may give increased priority to meeting legal obligations pursuant to a total maximum daily load when implementing that funding delivery program.

* * * Commerce and Community Development * * *

Sec E. 802. 32 V.S.A § 5930ee is amended to read:

§ 5930ee. LIMITATIONS

Beginning in fiscal year 2010 and thereafter, the State Board may award tax credits to all qualified applicants under this subchapter, provided that:

(1) the total amount of tax credits awarded annually, together with sales tax reallocated under section 9819 of this title, does not exceed ~~\$2,600,000.00~~ \$3,000,000.00.

* * *

Sec. E.811 [Deleted]

* * * Transportation * * *

Sec. E.900 TRANSPORTATION FUND APPROPRIATION REDUCTIONS

(a) The Secretary of Transportation, with the approval of the Secretary of Administration, is authorized to reduce fiscal year 2021 Transportation Fund appropriations by the amount of Coronavirus Relief Funds or Federal Emergency Management Administration Funds received towards Transportation Fund expenditures in each appropriation.

(b) In July 2021, the Secretary of Administration shall report all appropriations reductions made under the authority of this section to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee.

Sec. E.900.1 EXEMPTIONS FROM TRANSPORTATION FUND BUDGET STABILIZATION RESERVES

(a) Transportation Fund amounts totaling \$44,596,927.34, reverted under the Secretary of Administration's carry-forward authority in 2020 Acts and Resolves No. 88, Sec. 48(a), are exempt from the fiscal year 2020 Transportation Fund appropriation total used to calculate the five percent budget stabilization requirement for fiscal year 2021 in 32 V.S.A. § 308a.

Sec. E.909 Transportation – central garage

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 13(c)(2).

Sec. E.911 Transportation – town highway structures

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 306(e).

Sec. E.913 Transportation – town highway class 2 roadway

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 306(h).

* * * Pay Act; Legislative Intent * * *

Sec. F.100 PAY ACT; FISCAL YEAR 2022 FUNDING; CONFIRMATION OF LEGISLATIVE INTENT

(a) In accordance with the Pay Act set forth in 2020 Acts and Resolves No. 120, Secs. B.1–B.5, particularly Sec. B.1(c) of that act (“Fiscal year 2022. The General Assembly will consider any compensation increases for fiscal year 2022 at a later date.”), this section confirms that the legislative intent of the Pay Act was to fully fund the first year of the collective bargaining agreements and to make a funding decision regarding the second year of those agreements at a later date and that accordingly, the Pay Act does not require the State, the Department of State’s Attorneys and Sheriffs, the Judiciary Department, and the bargaining units covered by the Pay Act to renegotiate any terms of their collective bargaining agreements that apply during the period of July 1, 2021 through June 30, 2022 (fiscal year 2022) unless and until, in accordance with 3 V.S.A. §§ 982(c) and 1036(c), the General Assembly appropriates a different amount of funds for that period than the amount required for sufficient funding of that period.

* * * Adjustments to the Transportation Bill,
2020 Acts and Resolves No. 121 * * *

Sec. G.100 2020 Acts and Resolves No. 121, Sec. 1(d)(3) is amended to read:

(3) “Federal COVID-19 legislation” includes any federal infrastructure bills or other federal legislation that ~~provide~~ provides the State with additional federal funding for transportation-related projects in fiscal year 2021 or was enacted as a result of COVID-19, including an extension of the Fixing America’s Surface Transportation Act, Pub. L. No. 114-94 (FAST Act) that provides additional federal funding or flexibility with how federal funding can be used, such as eliminating state match requirements, or any transportation-related infrastructure stimulus bill.

Sec. G.101 2020 Acts and Resolves No. 121, Sec. 1a is amended to read:

Sec. 1a. FISCAL YEAR 2021 TRANSPORTATION INVESTMENTS
INTENDED TO REDUCE TRANSPORTATION-RELATED
GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL
USE, AND SAVE VERMONT HOUSEHOLDS MONEY

* * *

(2) Bike and Pedestrian Facilities Program. This act, in concert with the Capital Construction Act, provides for a fiscal year expenditure of ~~\$18,030,970.00~~ \$17,930,970.00, which will fund 39 bike and pedestrian construction projects, and 12 bike and pedestrian design, right-of-way, or design and right-of way projects for construction in fiscal year 2021. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared use paths, bike paths, and cycling lanes. Projects are funded in Arlington, Bennington, Burlington, Chester, Colchester-Essex, Dover, East Montpelier, Enosburg Falls, Fairfield, Hardwick, Hartford, Hinesburg, Jericho, Johnson, Lake Champlain causeway, Middlebury, Milton, Montpelier-Berlin, Moretown, Pittsford, Plainfield, Proctor, Richford, Rochester, Rutland City, Shelburne, South Burlington, Springfield, St. Albans City, St. George, St. Johnsbury, Swanton, Underhill, Waitsfield, Waterbury, West Rutland, Williston, and Wilmington.

* * *

(4) Public Transit Program. This act authorizes ~~\$37,852,845.00~~ \$38,734,820.00 in funding for public transit uses throughout the State, which is a ~~30.4~~ 33.5 percent increase over fiscal year 2019 levels. An additional \$3,000,000.00 flows through the State directly to the Green Mountain Transportation Authority. Included in the authorization are:

* * *

(5) Rail Program. This act authorizes ~~\$30,815,640.00~~ \$31,494,448.00 for intercity passenger rail service and rail infrastructure throughout the State, including modifications to the Burlington Vermont Rail Systems railyard to accommodate overnight servicing to facilitate New York City-Burlington rail service.

* * *

(8) Vehicle incentive programs. Sec. 14 of this act authorizes an additional \$50,000.00 to support administrative costs associated with MileageSmart, which is the State's used high fuel efficiency vehicle incentive program, and to ensure that the State's emissions repair program is operational not later than July 1, 2021 and the fiscal year 2021 budget appropriates and

authorizes the expenditure of \$1,000,000.00 in one-time Transportation Fund monies for additional new plug-in electric vehicle incentives and program development costs under the New PEV Incentive Program. Secs. 3 and 5 Sec. 3 of this act also ~~authorize~~ authorizes the Secretary of Transportation to expend additional monies on the New PEV Incentive Program and MileageSmart if such funding becomes available.

Sec. G.102 2020 Acts and Resolves No. 121, Sec. 3 is amended to read:

Sec. 3 AGENCY SPENDING; AUTHORITY TO REDIRECT; REPORT

* * *

(e) The Secretary of Administration shall, on or before July 31, 2020, file a written report listing all expenditures made during fiscal year 2020 under the authority of subsections (a) and (b) of this section to the House and Senate Committees on Transportation, Joint Fiscal Office, Joint Fiscal Committee, and Joint Transportation Oversight Committee. If additional funding becomes available pursuant to this section, an additional \$1,600,000.00 for leveling and paving projects shall be the top priority. The Agency shall have discretion, within the guidelines established pursuant to subsections (a) and (b) of this section, if there is more than \$1,600,000.00 available for reallocation.

* * *

(g) The reports report required pursuant to subsections (e) and subsection (f) of this section shall be in addition to the report required pursuant to 19 V.S.A. § 10g(e).

Sec. G.103 2020 Acts and Resolves No. 121, Sec. 4 is amended to read:

Sec. 4 ADDITION OF BURLINGTON RAIL YARD REALIGNMENT
FOR AMTRAK PROJECT; RAIL PROGRAM

(a) The following project is added to the development and evaluation list of Rail within the Agency's Fiscal Year 2020 Transportation Program, as adopted pursuant to 2019 Acts and Resolves No. 59, Sec. 1, and the development and evaluation construction list of Rail within the Agency's Proposed Fiscal Year 2021 Transportation Program, with a spending authorization of \$1,450,000.00 in Transportation Fund monies for construction: Burlington – Railyard Realignment for Amtrak.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Rail, authorized spending for Statewide – Amtrak Contract is reduced by \$750,000.00 in Transportation Fund monies.

(c) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Rail, authorized spending for Statewide – Rail

Section Administration is reduced by \$21,192.00 in Transportation Fund monies.

Sec. G.104 2020 Acts and Resolves No. 121, Sec. 5(a) is amended to read:

(a)(1) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Maintenance, authorized spending is amended as follows:

| <u>FY21</u> | <u>As Proposed</u> | <u>As Amended</u> | <u>Change</u> |
|-------------------------|--------------------|-------------------|---------------|
| Personal | 45,757,089 | 45,757,089 | 0 |
| Services | | 45,305,185 | -451,904 |
| Operating | 52,896,134 | 52,296,134 | -600,000 |
| Expenses | | 54,291,051 | 1,394,917 |
| Grants | 240,200 | 240,200 | 0 |
| Total | 98,893,423 | 98,293,423 | -600,000 |
| | | 99,836,436 | 943,013 |
| <u>Sources of funds</u> | | | |
| State | 96,415,636 | 95,815,636 | 600,000 |
| | | 97,358,649 | 943,013 |
| Federal | 2,377,787 | 2,377,787 | 0 |
| Interdepart. | 100,000 | 100,000 | 0 |
| Transfer | | | |
| Total | 98,893,423 | 98,293,423 | 600,000 |
| | | 99,836,436 | 943,013 |

(2) The \$3,511,051.27 that the Highway Maintenance Bureau owes to the Central Garage Fund for withheld payment of billed invoices at fiscal year 2020 year-end is included in the operating expenses for Maintenance and this money shall be used to pay all past due invoices to the Highway Maintenance Bureau from the Central Garage Fund and fully restore the negative fund balance in the Central Garage Fund that resulted from the withholding of payment of billed invoices in fiscal year 2020.

Sec. G.105 2020 Acts and Resolves No. 121, Sec. 5a is amended to read:

Sec. 5a. CLARENDON SRE BUILDING AVIATION

(a) Clarendon SRE building. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Clarendon AV-FY20-001 is amended as follows:

* * *

(b) Morristown fuel farm. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized

spending for Morristown AV-FY21-015 is amended by increasing spending authority for construction by \$230,000.00 in Transportation Fund monies.

(c) Coventry runway 5/23. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, the sources of funds for Coventry AV-FY20-002 is amended by reducing Transportation Fund monies by \$8,000.00 and increasing federal fund monies by \$8,000.00.

(d) Paving. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, the sources of funds for Statewide AV-FY19-013 is amended by reducing Transportation Fund monies by \$14,420.00 and increasing federal fund monies by \$14,420.00; and the sources of funds for Statewide AV-FY21-003 is amended by reducing Transportation Fund monies by \$4,000.00 and increasing federal fund monies by \$4,000.00.

(e) Administrative support. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Aviation, authorized spending for Statewide – Aviation Admin. Support is reduced by \$17,846.00 in Transportation Fund monies.

Sec. G.106 2020 Acts and Resolves No. 121, Sec. 6 is amended to read:

Sec. 6 PROGRAM DEVELOPMENT; ROADWAY

(a) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Roadway, authorized spending for Burlington MEGC M 5000(1) is amended as follows:

* * *

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Roadway, the sources of funds for Pittsford NH 019-3(491) is amended by reducing TIB funds by \$946,000.00 and increasing federal fund monies by \$946,000.00.

Sec. G.107 2020 Acts and Resolves No. 121, Secs. 7b and 7c and their corresponding reader assistance headings are added to read:

* * * Paving * * *

Sec. 7b. PROGRAM DEVELOPMENT; PAVING

(a) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Paving, authorized spending for construction in Statewide Federal Paving is increased by \$1,150,000.00 in Transportation Fund monies and \$4,600,000.00 in federal fund monies.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Paving, the sources of funds for Sharon–Bethel IM 089-1(66) is amended by increasing Transportation Fund monies by \$124,947.00 and federal fund monies by 167,500.00 and reducing TIB funds by \$292,447.00.

* * * State Highway Bridges * * *

Sec. 7c. PROGRAM DEVELOPMENT; STATE HIGHWAY BRIDGES

(a) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—State Highway Bridges, the sources of funds for North Hero–Grand Isle BHF 028-1(26) is amended by reducing TIB funds by \$2,910,000.00 and increasing federal fund monies by \$2,910,000.00.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—State Highway Bridges, the sources of funds for Middlebury WCRS(23) is amended by reducing Transportation Fund monies by \$850,000.00 and increasing federal fund monies by \$850,000.00.

Sec. G.108 2020 Acts and Resolves No. 121, Sec. 9a is added to read:

Sec. 9a. PUBLIC TRANSIT; ADMINISTRATIVE SUPPORT

(a)(1) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Public Transit, authorized spending for State Public Transportation is amended as follows:

| <u>FY21</u> | <u>As Proposed</u> | <u>As Amended</u> | <u>Change</u> |
|-------------------------|--------------------|-------------------|---------------|
| Other | 6,241,403 | 7,128,955 | 887,552 |
| Total | 6,241,403 | 7,128,955 | 887,552 |
| <u>Sources of funds</u> | | | |
| State | 6,241,403 | 3,190,600 | -3,050,803 |
| Federal | 0 | 3,938,355 | 3,938,355 |
| Total | 6,241,403 | 7,128,955 | 887,552 |

(2) These amendments reflect a swap of federal fund monies for Transportation Fund monies in the amount of \$3,100,000.00, which is possible because of monies that are available for public transit under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (CARES Act), an increase in federal funds in the amount of \$838,355.00, which is the result of a Federal Transit Administration grant award for the replacement of buses, and an increase in Transportation Fund monies in an amount of \$49,197.00, which is the required match for the federal grant award for the replacement of buses.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Public Transit, authorized spending authority for Administrative Support – Public Transit Admin Support is reduced by \$5,577.00 in Transportation Fund monies.

Sec. G.109 2020 Acts and Resolves No. 121, Secs. 11 and 12 are amended to read:

Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2021, the amount of ~~\$1,605,358.00~~ \$1,005,358.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13 and shall include the \$600,000.00 one-time transfer from the Transportation Fund pursuant to Sec B.1100.1 of the fiscal year 2021 budget.

Sec. 12. CENTRAL GARAGE EQUIPMENT

In fiscal year 2021, the amount of ~~\$8,668,094.00~~ \$8,068,094.00 is authorized for replacement equipment pursuant to 19 V.S.A. § 13(b) and, of this amount, a minimum of \$250,000.00 shall be dedicated for the replacement of Department of Motor Vehicles enforcement fleet vehicles.

Sec. G.110 2020 Acts and Resolves No. 121, Sec. 12a–12e and their corresponding reader assistance headings are added to read:

Sec. 12a. CENTRAL GARAGE FUNDING

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Central Garage, authorized spending is amended as follows:

| <u>FY21</u> | <u>As Proposed</u> | <u>As Amended</u> | <u>Change</u> |
|-------------------------|--------------------|-------------------|---------------|
| Personal | 4,612,051 | 4,566,949 | -45,102 |
| Services | | | |
| Operating | 17,027,708 | 16,415,926 | -611,782 |
| Expenses | | | |
| Total | 21,639,759 | 20,982,875 | -656,884 |
| <u>Sources of funds</u> | | | |
| Internal | 21,639,759 | 20,982,875 | -656,884 |
| Service Fund | | | |
| Total | 21,639,759 | 20,982,875 | -656,884 |

* * * Town Highways * * *

Sec. 12b. BRATTLEBORO-HINSDALE, NH

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Town Highway Bridge, authorized spending for

Brattleboro-Hinsdale, NH is amended as follows:

| <u>FY21</u> | <u>As Proposed</u> | <u>As Amended</u> | <u>Change</u> |
|-------------------------|--------------------|-------------------|---------------|
| Other | 750,000 | 750,000 | 0 |
| PE | 0 | 200,000 | 200,000 |
| ROW | 2,875,973 | 4,675,973 | 1,800,000 |
| Construction | 1,000,000 | 1,000,000 | 0 |
| Total | 4,625,973 | 6,625,973 | 2,000,000 |
| <u>Sources of funds</u> | | | |
| TIB | 925,195 | 1,325,000 | 400,000 |
| Federal | 3,700,778 | 5,100,778 | 1,600,000 |
| Total | 4,625,973 | 6,625,973 | 2,000,000 |

Sec. 12c. MONIES FOR TOWN HIGHWAYS

(a) Town Highway Structures. Notwithstanding 19 V.S.A. § 306(e)(2), the Agency shall not issue any new grants under the Town Highway Structures Program in fiscal year 2021 and authorized spending for grants in fiscal year 2021 is reduced by \$1,683,500.00 in Transportation Fund monies to a total of \$4,650,000.00 in Transportation Fund monies.

(b) Town Highway Class 2 Roadway. Notwithstanding 19 V.S.A. § 306(h), the Agency shall not issue any new grants under the Class 2 Town Highway Roadway Program in fiscal year 2021 and authorized spending for grants in fiscal year 2021 is reduced by \$4,398,750.00 in Transportation Fund monies to a total of \$3,250,000.00 in Transportation Fund monies.

(c) Town Highway Aid. Notwithstanding 19 V.S.A. § 306(a), the fiscal year 2021 budget increases the annual appropriation for aid to town highways by \$7,000,000.00 in one-time Transportation Fund monies to a total of \$34,105,769.00 in Transportation Fund monies.

* * * Department of Motor Vehicles * * *

Sec. 12d. DEPARTMENT OF MOTOR VEHICLES; SAVINGS AND INCREASE OF LIMITED SERVICE STAFF

Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for the Department of Motor Vehicles, authorized spending is increased by \$48,368.00 for personal services and reduced by \$96,059.00 for operating expenses with a corresponding reduction of \$47,691.00 in Transportation Fund monies as the source of funds.

* * * Vacancy Savings; Statewide Allocated Cost Reductions * * *

Sec. 12e. VACANCY SAVINGS AND STATEWIDE ALLOCATED
COST REDUCTIONS

(a) Finance and Administration. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Finance and Administration, authorized spending is reduced by \$107,890.00 for personal services and \$28,189.00 for operating expenses with a corresponding reduction of \$136,079.00 in Transportation Fund monies as the source of funds.

(b) Policy and Planning. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Policy and Planning, authorized spending is reduced by \$28,299.00 for personal services and \$7,392.00 for operating expenses with a corresponding reduction of \$35,691.00 in Transportation Fund monies as the source of funds.

(c) Transportation Board. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Transportation Board, authorized spending is reduced by \$195.00 for personal services and \$781.00 for operating expenses with a corresponding reduction of \$976.00 in Transportation Fund monies as the source of funds.

(d) Program Development. Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Program Development—Administration, authorized spending is reduced by \$253,808.00 for personal services and \$66,304.00 for operating expenses with a corresponding reduction of \$320,112.00 in Transportation Fund monies as the source of funds.

Sec. G.111 REPEALS

2020 Acts and Resolves No. 121, Secs. 5(b) (contingent funding for the vehicle incentive programs) and 5b (Morristown fuel farm) are repealed.

* * * Amendments to Vehicle Incentive Programs * * *

Sec. G.112 2019 Acts and Resolves No. 59, Sec. 34(a) as amended by 2020 Acts and Resolves No. 121, Sec. 14 is further amended to read:

(a) Vehicle incentive and emissions repair programs administration.

* * *

(2) The Agency is authorized to spend \$2,000,000.00 as appropriated in the fiscal year 2020 budget, \$50,000.00 in Transportation Fund monies, and any additional monies as appropriated ~~in the fiscal year 2021 budget for the programs described in subsection (b) and (c) of this section~~ or Transportation Fund monies authorized to be expended by the Secretary of Transportation

~~pursuant to Secs. 3 and 5 of this act, or both, on the programs described in subsections (b) and (c) of this section. Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations for the programs described in subsections (b) and (c) of this section remaining unexpended on June 30, 2021 shall be carried forward and designated for expenditure on these programs in the subsequent fiscal year.~~

(3) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the programs. Up to \$150,000.00 of program funding may be set aside for this purpose for the programs described in subsection (c) of this section in fiscal year 2020 and \$50,000.00 of program funding shall be set aside for this purpose for the programs described in subsection (c) of this section in fiscal year 2021 and to ensure that the emissions repair program is operational not later than July 1, 2021. ~~In fiscal year 2021, the Agency is authorized to spend up to \$200,000.00 in program funding to continue and expand the Agency's public-private partnership with Drive Electric Vermont to support the expansion of the PEV market in the State through technical and consumer assistance; auto dealer education; outreach and incentive program management, including marketing, consumer support, record keeping and reporting, program development and modification, and general program administration for the program described in subsection (b) of this section; and PEV promotional efforts. The Agency shall develop, in consultation with the Departments of Environmental Conservation and of Public Service, a scope of work for funding the Agency's grants to Drive Electric Vermont pursuant to this section.~~

* * *

* * * Amendments to ATV Laws * * *

Sec. G.113 23 V.S.A. § 3502 is amended to read:

§ 3502. REGISTRATION AND TRAIL ACCESS DECAL (TAD)
REQUIRED; EXCEPTIONS

(a)(1) Except as otherwise provided in this section, an individual shall not operate an ATV on the VASA Trail System, on State land designated by the Secretary pursuant to subdivision 3506(b)(4) of this title, or along any highway that is not adjacent to the property of the operator unless the ATV:

(A) is registered pursuant to this title or in accordance with subsection (e) of this section; and

(B) displays a valid VASA Trail Access Decal (TAD).

(2) Notwithstanding subdivision (1) of this subsection, neither registration nor display of a TAD is required to operate an ATV:

(A) ~~on~~ On the property of the owner of the ATV;

(B) ~~in~~ In a ski area, off the highway, for the purpose of grooming snow, maintenance, or in rescue operations;

(C) ~~for~~ For official use by a federal, State, or municipal agency if the ATV is identified with the name or seal of the agency in a manner approved by the Commissioner;

(D) ~~on~~ On privately owned land when the operator is specifically invited to do so by the owner of the property and carries the written consent of the owner.

(E) On frozen bodies of water as designated by the Agency of Natural Resources under the provisions of 10 V.S.A. § 2607. Notwithstanding subdivision 3506(b)(16) of this title, protective headgear is not required when an ATV is operated on a frozen body of water pursuant to this subdivision.

* * *

* * * Effective Dates * * *

Sec. H.100 EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214, Sec. E.215.1 (Vermont National Guard Tuition Benefit Program, COVID-19) shall take effect retroactively on August 17, 2020.

(b) Sec. E.307.1 (8 V.S.A. § 4089i) shall take effect on January 1, 2022 and shall apply to health insurance and other health benefit plans on or after January 1, 2022 on such date as a health insurer or pharmacy benefit manager issues, offers, or renews the plan, but in no event later than January 1, 2023.

(c) All remaining sections shall take effect on passage.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

M. JANE KITCHEL

TIMOTHY R. ASHE

RICHARD A. WESTMAN

Committee on the part of the Senate

CATHERINE B. TOLL

MARY S. HOOPER

PETER J. FAGAN

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative on a roll call, Yeas 30, Nays 0.

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

Roll Call

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

Those Senators who voted in the negative were: None.

Rules Suspended; Bill Delivered

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

S. 354.

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:

H. 954, H. 969.

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 65.

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. 65. Joint resolution relating to final adjournment of the General Assembly in 2020.

Resolved by the Senate and House of Representatives

That the President of the Senate and the Speaker of the House of Representatives adjourn their respective houses *sine die* on the twenty-fifth day of September, 2020.

Secretary Directed to Inform the House of Completion of Business

On motion of Senator Ashe, the Secretary was directed to inform the House that the Senate has completed the business of the session and is ready on its part to adjourn *sine die*, pursuant to the provisions of J.R.S. 65.

Inform Governor of Completion of Business

On motion of Senator Ashe, the Secretary was directed to inform His Excellency the Governor Philip B. Scott that the Senate had completed the business of the session and is ready on its part to adjourn *sine die*, pursuant to the provisions of J.R.S. 65.

Remarks of Governor

His Excellency, the Governor, was informed the Senate had, on its part, completed the business of the session and was ready to adjourn *sine die*, pursuant to the provisions of J.R.S. 65, and the Governor delivered his remarks virtually.

Departure of Governor

The Governor, completed the delivery of his message virtually.

Final Adjournment

On motion of Senator Ashe, at three o'clock and twenty-five minutes in the afternoon (3:25 P.M.), the Senate adjourned *sine die*, pursuant to the provisions of J.R.S. 65.

Messages Received After Final Adjournment

After final adjournment, the following messages were received by the Secretary:

Message from the House No. 89

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

Mr. President:

I am directed to inform the Senate that:

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

J.R.S. 65. Joint resolution relating to final adjournment of the General Assembly in 2020.

And has adopted the same in concurrence.

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

H. 969. An act relating to making appropriations for the support of government.

And has adopted the same on its part.

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

S. 119. An act relating to a statewide use of deadly force policy for law enforcement.

And has concurred therein.

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

H. 926. An act relating to changes to Act 250.

And has severally concurred therein.

Message from the House No. 90

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 on its part completed the business of the second half of the Biennial session and is ready to adjourn *sine die*, pursuant to the provisions of J.R.S. 65.

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 fifth day of October he approved and signed a bill originating in the Senate of the following title:

S. 354. An act relating to using Australian ballot for municipal meetings in the year 2021.

Message from the House No. 91

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

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on October 2, 2020, he approved and signed a bill originating in the House of the following title:

H. 969. An act relating to making appropriations for the support of government.

Message from the House No. 92

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

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on October 5, 2020, he approved and signed bills originating in the House of the following titles:

H. 607. An act relating to increasing the supply of nurses and primary care providers in Vermont.

H. 611. An act relating to the Older Vermonters Act.

H. 663. An act relating to expanding access to contraceptives.

H. 674. An act relating to the definition of housesite for use value appraisals.

H. 795. An act relating to increasing hospital price transparency, hospital sustainability planning, provider sustainability and reimbursements, and regulators' access to information.

H. 934. An act relating to renter rebate reform.

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

The Governor has informed the House that on October 5, 2020, he returned without signature and vetoed a bill originating in the House of the following title:

H. 926. An act relating to changes to Act 250.

Text of Communication from Governor

The text of the communication from His Excellency, the Governor, whereby he vetoed and returned unsigned **House Bill No. 926** to the House is as follows:

“October 5, 2020

The Honorable William M. MaGill
Clerk of the Vermont House of Representatives
State House
Montpelier, VT 05633

Dear Mr. MaGill:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning H.926, *An act relating to changes to Act 250*, without my signature because of my objections described herein:

In 2017, my Administration, the Legislature, and environmental groups came together to begin the process of making comprehensive updates and improvements to Vermont’s fifty-year-old land use law, Act 250.

This began an 18-month *Commission on Act 250* reform process, followed by two full legislative sessions of collaboration. Those efforts resulted in broad agreement on a comprehensive, balanced modernization package, including downtown permitting exemptions, modernized permitting conditions for forest products processing facilities, and changes for flood resiliency, to name a few. But during the recent legislative process, these and many other proposals were removed.

In fact, H.926 actually adds new regulation and new burdens to our recreational trail networks and recreation economy. This bill does not improve or simplify the regulatory process or provide a permanent exemption for Vermont Trail Systems – something I proposed in 2019.

H.926 ignores all the work and collaboration put into Act 250 reform and is counter to the important outcomes we collectively sought.

With this bill, the Legislature has created more regulatory uncertainty, not less. Our outdoor recreation economy, and the groups that help to maintain and preserve the trail networks, need a regulatory framework that is responsible, respectful, stable, and permanent.

In addition to failing to protect trails or strengthen the recreation economy, H.926 adds forest fragmentation regulation to the law which poses a new and significant problem for trail networks and the non-profit organizations that manage them. In particular, it affects the networks that rely on the help and cooperation of large forest landowners, such as the Vermont Association of Snow Travelers (VAST). In fact, VAST already reports landowners are considering removing their land from the trail network should this law be enacted.

The forest fragmentation regulation also adds a new, complex criteria to Act 250 and offers no other process improvements. **Nothing** in this bill modernizes or improves the Act 250 process – something that is widely agreed to be necessary after fifty years of existence.

This bill does not do what it promised to do and falls short of meeting our needs in this area of public policy.

To address the interim need for our trail networks, I am issuing Executive Order 04-20 which does three things:

- provides trail networks with some regulatory clarity;
- directs the Commissioner of Forests, Parks and Recreation to make recommendations for an alternative program based on best practices for the oversight of planning, construction, use and maintenance of recreational trails in the Vermont Trails System; and
- directs executive branch litigants and tribunals to take all reasonable steps to defer a final decision in any proceeding addressing Act 250 jurisdiction until the steps identified in this Executive Order take effect.

Based on the objections outlined above, I must veto this legislation pursuant to Chapter II, Section 11 of the Vermont Constitution. However, I look forward to working alongside the Legislature with the goal of working toward truly comprehensive and thoughtful improvements to Act 250 during the next biennium.

Sincerely,

/s/Philip B. Scott
Governor

PBS/kp”

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 seventh day of October, 2020 he did not approve and *allowed to become law without his signature* bills originating in the Senate of the following titles:

S. 54. An act relating to the regulation of cannabis.

S. 119. An act relating to a statewide standard and policy for law enforcement use of force.

Text of Communication from Governor

The text of the communication to the Senate from His Excellency, the Governor, setting forth his reasons for refusing to sign and *allowing to become law without his signature*, **Senate Bill No. S. 54**, is as follows:

“October 7, 2020

The Honorable John Bloomer, Jr.
Secretary of the Senate
115 State House
Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Today I am letting S.54, *An act relating to the regulation of cannabis*, go into law without my signature.

I have consistently called for any legislation creating a regulated cannabis marketplace in Vermont to meet three key objectives:

- Towns and municipalities should be required to opt-in to hosting retail establishments;
- There should be a plan and significant funding for additional education and prevention efforts for our children; and
- There must be a plan for highway safety.

The Legislature has made substantial progress in addressing these objectives and this effort is appreciated. However, there is still more work to be done to ensure the health and safety of our kids and the safety of our roadways – we should heed the public health and safety lessons of tobacco and alcohol. Further, I believe we are at a pivotal moment in our nation’s history which requires us to address systemic racism in our governmental institutions. We must take additional steps to ensure equity is a foundational principle in a new market.

Again, I commend the Legislature for moving toward my conditions. This bill requires cities and towns to take action before retail establishments may open. It ensures local zoning applies to cannabis cultivation and production. And it dedicates 30 percent of the excise tax to education and prevention efforts, up to \$10,000,000 per year and the sales and use tax portion on retail cannabis to fund a grant program to start or expand afterschool and summer learning programs. Additionally, the FY21 budget includes language I proposed to take steps towards achieving a universal afterschool network, which is based on a successful model from Iceland and is focused on *preventing* drug use and improving academic and social outcomes.

We know that drugged driving is currently a problem on our roads which must be addressed, regardless of whether we have a retail cannabis market. While the bill does not allow for roadside saliva testing to detect presence of drugs in an individual, I am pleased the bill allows the testimony of a trained officer, or a Drug Recognition Expert (DRE), regarding impairment will be presumed admissible. The Legislature has also recognized the need for additional training for all officers to detect roadside impairment. And, saliva testing, if performed, may be used as evidence. These are important steps, but please know that I will continue to push for more solutions that will deter drugged driving, hold drugged drivers accountable, and keep Vermonters safe while on our roads.

Here are some additional improvements that need to be made to this legislation:

First, despite testimony and proposed legislation presented to the committees of jurisdiction early in the session, the concerns with this bill of the communities historically most negatively affected by cannabis enforcement were not meaningfully incorporated into this bill. Of primary concern is the licensing construct which will disproportionately benefit Vermont's existing medical dispensaries by giving them sole access to integrated licenses and an unfair head start on market access. This creates an inequitable playing field both for our smaller minority and women-owned business applicants, and other small Vermont growers and entrepreneurs.

I encourage the Legislature to look to the State of Illinois as a benchmark in how to create a cannabis market that is equitable and moves toward economic justice. We have already enacted similar provisions such as expungement measures. However, some of the additional supports the Legislature should consider include creating a social equity applicant category for cannabis establishment licenses; a 50 percent licensing fee waiver for these applicants; and additional technical and financial supports. And in the event the Legislature maintains the current integrated licensing structure, to make it more equitable revenues from those licensees could be directed to benefit social equity applicants and the communities historically most negatively impacted by cannabis enforcement. Again, justice should be *foundational* to our work, not an add-on to be figured out secondary to commercial or other interests.

The bill creates other foundational issues that the Legislature must take time to address in January. These include:

- Authorization for the sale of cannabis vaping products. Over the past two years we have been collaborating on ways to minimize vaping from a public health perspective and the bill's authorization for the

production and sale of cannabis oil vaping products is completely contradictory and counter to our public health goals.

- There is conclusive scientific evidence that cannabis use has very negative effects for development when used in youth. We must ensure cannabis products, including edibles, are not in any way marketed to kids – or marketed in a way that appeals to kids. Again, we should apply the lessons learned from the public health epidemic caused by tobacco and the marketing restrictions and prevention strategies that states have applied to address it.
- The timeline which anticipates the recruitment, nomination and appointment of the cannabis control board members by January 8, 2021, with senate advice and consent by January 15, 2021 is too aggressive and may need to be extended.
- Board members, exempt employees appointed by the Governor, are now only removable for cause by the other Board members. This removes the Board from accountability to the Governor and constitutes an unconstitutional usurpation of the Governor’s constitutional duty to faithfully execute the laws. This is a provision that exposes all of the work of the board to legal challenges.
- The 30% excise tax set-aside for misuse prevention programming must be dedicated to a special fund for that purpose to be allocated by the Commissioner of Health. As passed, this funding could be raided by the Legislature and used for other unrelated purposes.
- While law enforcement is directed to receive at least 16 hours of advanced roadside impaired driving enforcement training, there is no funding and no resources dedicated to this purpose which will take multiple years to accomplish. This needs to be rectified.

I know it is difficult to take on these complex issues remotely and during this unprecedented pandemic. Again, I thank the legislators who worked to move toward me over the past two years on this issue. Nevertheless, the Legislature has much more work to do to ensure equity in this new policy and to prevent their work from becoming a public health problem for current and future generations. For these reasons, I am allowing this bill to become law without my signature.

Sincerely,

/s/Philip B. Scott
Governor

PBS/kp”

Text of Communication from Governor

The text of the communication to the Senate from His Excellency, the Governor, setting forth his reasons for refusing to sign and *allowing to become law without his signature*, **Senate Bill No. S. 119**, is as follows:

“October 7, 2020

The Honorable John Bloomer, Jr.
Secretary of the Senate
115 State House
Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Today, I am allowing S.119, *An act relating to a statewide standard and policy for law enforcement use of force* to become law without my signature.

I share the goals and recognize the importance of, and need for, strengthening our use of force policy to protect our citizens and law enforcement officers alike.

I also know the law enforcement community includes some of the best among us – those who are willing to risk their own safety to protect others, and who often run toward danger when many of us would run from it. And I believe, by and large, our law enforcement officers and leaders are committed to the reform work necessary to achieve racial equity and helping to develop policies and training that ensure equal treatment, protection, and safety for all.

Vermont has been working hard to address racial disparities in policing. It was the Vermont State Police that led the State in the development of Fair and Impartial Policing policy. To continue to move this work forward, my Commissioner of Public Safety, who is committed to progressive policing, presented a framework for modernizing law enforcement in January which we will continue to pursue. In the budget, the Legislature supported my initiative to embed mental health workers in every barracks, an approach which has proven effective in pilots throughout the State. But there is clearly much more work to do.

2020 has reminded us that systemic racism is deeply rooted in our nation’s institutions. In many parts of the country we continue to see cases of racial discrimination in law enforcement and disproportionate use of force on BIPOC communities, persons with disabilities, and other vulnerable populations. Again, we have acted in this area, but Vermont is not immune, and we must do more.

I know we can do better and be an example for the nation, as we have in so many other areas.

I understand the pandemic and remote work made it difficult for the Legislature this year. This may be why the bill was hastily crafted with insufficient opportunity for the full Legislature to understand the concerns and opportunities offered by both historically disadvantaged communities and public safety officials. For example, there are important terms which remain undefined and there are gaps in the legislation that raise questions about the Legislature's intent.

For Vermont to be a leader in setting a modernized and enhanced standard for law enforcement use of force, we must work together to do so in a way that is clear and can be implemented fully and effectively in the field.

I believe with more time – and more testimony from all impacted communities – this bill can be improved before it goes into effect. Specifically, let's work to define more clearly the "necessary and proportional" terms that guide this standard, revise the standard to consider all uses of force for more consistency, and reevaluate the timeline and provide resources to ensure proper implementation and training.

While the need for action, and for change, is vital, I want to emphasize again that the vast majority of our law enforcement officers are committed to this important work. I also understand the requirements of this law, and the uncertainty it creates, may feel overwhelming to them; and that they are frustrated it was passed without consideration of the time and resources needed for training. I hear those concerns, and – again – I ask lawmakers to work with me to improve this bill in January.

In the words of Ruth Bader Ginsburg, let's work together to "fight for the things (we) care about, but do it in a way that will lead others to join (us)." I believe we can do just that with this legislation. But that requires all voices to be at the table. That is how we will achieve meaningful change. I'm committed to doing so, I hope you are too.

Sincerely,

/s/Philip B. Scott

Governor

PBS/kp"

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 seventh day of October, 2020 he approved and signed bills originating in the Senate of the following titles:

S. 24. An act relating to a report on racial equity and bias in the Department of Corrections.

S. 124. An act relating to governmental structures protecting the public health, safety and welfare.

S. 234. An act relating to miscellaneous judiciary procedures.

S. 352. An act relating to making certain amendments to the Front-Line Employees Hazard Pay Grant Program.

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 twelfth day of October, 2020 he approved and signed bills originating in the Senate of the following titles:

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

S. 220. An act relating to professional regulation.

S. 237. An act relating to promoting affordable housing.

S. 254. An act relating to union organizing.

Message from the House No. 93

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

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on October 8, 2020, he approved and signed bills originating in the House of the following titles:

H. 99. An act relating to trade in covered animal parts or products.

H. 578. An act relating to proof of financial responsibility.

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

H. 833. An act relating to surface water diversions and financial surety requirements for holding tanks.

H. 880. An act relating to Abenaki place names on State park signs.

H. 673. An act relating to tree wardens.

H. 952. An act relating to approval of amendments to the charters of the City of Burlington and the City of Barre.

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

H. 962. An act relating to the duration of temporary relief from abuse orders.

CERTIFICATION

“STATE OF VERMONT

Office of the Secretary of the Senate
Senate Chamber
State House
Montpelier, Vermont 05633

I hereby certify that the foregoing Journal is a true and correct record of the proceedings of the Senate of the State of Vermont for the second year of the biennial session of 2019, often referred to as the adjourned session of 2020.

This was the second year of the seventy-fifth biennial session of the General Assembly, beginning on the seventh day of January, 2020, and ending on the twenty-fifth day of September, 2020.

Attest:

/s/John H. Bloomer, Jr.

JOHN H. BLOOMER, JR.
Secretary of the Senate”